101-510

Public Law 101-510
101st Congress

An Act

To authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Nov. 5, 1990
[H.R. 4739]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Year 1991.

SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1991".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.
(2) Division B—Military Construction Authorizations.
(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
(4) Division D—Economic Adjustment, Diversification, Conversion, and Stabilization.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.
Sec. 108. Multiyear authorizations.
Sec. 109. Repeal of prior milestone authorizations.

PART B—B-2 AIRCRAFT PROGRAM

Sec. 121. Limitation on obligations.

PART C—OTHER STRATEGIC PROGRAMS

Sec. 131. SRAM II missile program.
Sec. 132. Ground-wave emergency network.
Sec. 133. B-1B Aircraft program.
Sec. 134. Prohibition on obligation or expenditure of fiscal year 1990 funds for MX Rail Garrison procurement.
Sec. 135. Report on alternative MX missile test plans.
Sec. 136. Limitation on advance procurement of advanced cruise missile.
Sec. 137. Limitation on obligation of funds for KC-135R aircraft program.

49-139 O - 90 (510)

AE 2.110:

READEX FICHE best copy available

PART D—ARMY PROGRAMS

Sec. 141. ADATS missile system.
Sec. 142. M-1 Abrams tank program.
Sec. 143. Procurement of AHIP Scout helicopters.
Sec. 144. Provision of CH-47 aircraft for the Army National Guard.

PART E—NAVY AND MARINE CORPS PROGRAMS

Sec. 151. A-12 aircraft program.
Sec. 152. V-22 aircraft program.
Sec. 153. Procurement of M1A1 main battle tanks for the Marine Corps.
Sec. 154. Policy for SSN-21 submarine procurement.
Sec. 155. MH-53 minesweeper helicopter.
Sec. 156. AH-1W helicopters.
Sec. 157. Laboratory equipment for Navy industrial-fund activities.

PART F—NONSTRATEGIC AIR FORCE PROGRAMS

Sec. 161. C-17 Aircraft program funding and limitations for fiscal year 1991.
Sec. 162. Tacit Rainbow program.
Sec. 163. Chemical-biological collective protection systems.
Sec. 164. Re-engining for certain reconnaissance aircraft.

PART G—CHEMICAL MUNITIONS

Sec. 171. Annual report on safety of chemical weapons stockpile.
Sec. 172. Funding clarification for chemical weapons stockpile disposal program
Sec. 173. Chemical weapons stockpile safety contingency plan.

PART H—OTHER PROGRAMS

Sec. 181. Program terminations.
Sec. 182. Limitations on electronic warfare procurement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS

Sec. 201. Authorization of appropriations.
Sec. 202. Amounts for basic research and exploratory development.

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Sec. 211. V-22 Osprey aircraft program.
Sec. 212. Army scout attack helicopter program.
Sec. 213. Advanced Tactical Fighter program.
Sec. 214. Armored gun system.
Sec. 215. Fleet electronic warfare support group.
Sec. 216. Vandenberg Air Force Base Titan IV launch facility.
Sec. 217. Advanced communications satellite relay system.
Sec. 218. Prohibition on testing Mid-Infrared Advanced Chemical Laser Again
object in space.

PART C—STRATEGIC DEFENSE INITIATIVE

Sec. 221. Strategic Defense Initiative Program structure and limitation
spending.
Sec. 222. Limitation on development and testing of anti-ballistic missile system
components.
Sec. 223. Prohibition on operational test and evaluation of strategic de
systems.
Sec. 224. Boost surveillance and tracking system.
Sec. 225. Theater missile defense programs.

PART D—STRATEGIC PROGRAMS

Sec. 231. Funding and sense of Congress for ICBM Modernization program.
Sec. 232. Depressed trajectory ballistic missiles and other short-time-of-flight b
tic missiles.

PART E—OTHER MATTERS

Sec. 241. Biological Defense Research Program.
Sec. 242. Funding for facility for collaborative research and training for mil
medical personnel.
Sec. 243. Grant for an institute for advanced science and technology.
Sec. 244. Support for Advanced Research Projects.

Sec. 245. Competition in contracting for computers and software.
Sec. 246. Advisory commission on consolidation and conversion of defense research and development laboratories.
Sec. 247. National defense science and engineering education.
Sec. 248. Establishment of Department of Defense technology office in Japan.
Sec. 249. Grant for study and analysis of the Soviet Union and certain other countries.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Humanitarian assistance.
Sec. 304. Assistance to the 1990 Winter World Series Torch Run and the 1991 Freestyle World Championships.
Sec. 305. Extended cold weather clothing systems.

PART B—LIMITATIONS

Sec. 311. Limitation on obligations against stock funds.
Sec. 312. Prohibition on management of civilian personnel by end strengths during fiscal year 1991.

PART C—CHANGES TO EXISTING LAW

Sec. 321. Commissary and other privileges for certain members of a reserve component and certain other persons.
Sec. 322. Guidelines for future reductions of civilian employees of industrial-type or commercial-type activities.
Sec. 323. Inventory management policies.
Sec. 324. Expansion of authority to donate food to charitable nonprofit food banks.
Sec. 325. Authority to exchange property for services in connection with historical collections.
Sec. 326. Authority to furnish transportation in certain areas outside the United States.
Sec. 327. Authorization for certain bands of the armed forces to produce recordings for commercial sale.
Sec. 328. Army program to promote civilian marksmanship.
Sec. 329. Ships' stores.
Sec. 330. Operation of the Inter-American Air Forces Academy.
Sec. 331. Assistance program for employees of a nonappropriated fund instrumentality adversely affected by base closures.

PART D—ENVIRONMENTAL PROVISIONS

Sec. 341. Additional requirements for environmental report.
Sec. 342. Reporting requirements on environment compliance at overseas military installations.
Sec. 343. Extension of date for completion of study on waste recycling.
Sec. 344. Environmental education program for Department of Defense personnel.
Sec. 345. Use of ozone depleting substances within the Department of Defense.
Sec. 346. Prohibition on purchases of performance bonds and similar guaranties.

PART E—MISCELLANEOUS

Sec. 351. Continuation of Air Force hurricane reconnaissance mission.
Sec. 352. Army Reliability Centered-Inspect and Repair Only As Necessary Program at Anniston Army Depot.
Sec. 353. Validation of payments under certain contracts for the provision of municipal services.
Sec. 354. Maintenance of firefighting and other emergency services at military installations in the United States.
Sec. 355. Staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
Sec. 356. Discussions concerning Department of Defense support for 1996 Summer Olympics.
Sec. 357. Sense of Congress the transfer to Europe of military equipment that would be destroyed and removed as a result of an arms control agreement.

PART F—STUDIES AND REPORTS

Sec. 361. Authorization for short-term lease of aircraft for initial entry rotary wing pilot training and study regarding long-term lease.
Sec. 362. Flexible readiness.

Sec. 363. Report on establishing new Naval Reserve Training Center at Newport, Rhode Island.
Sec. 364. Report on the transportation of chemical weapons from the Federal Republic of Germany to Johnston Island.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Sec. 401. End strengths for active forces.
Sec. 402. Uniform process for implementing reductions in strength.
Sec. 403. Authorized strength for general and flag officers on active duty.
Sec. 404. Reduction for fiscal year 1992 in number of active duty Air Force colonels.
Sec. 405. Exemption from grade accountability for certain three-star general and flag officer positions.
Sec. 406. Reduction in the authorized end strength for the number of military personnel in Europe.

PART B—RESERVE FORCES

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

PART C—MILITARY TRAINING STUDENT LOADS

Sec. 421. Authorization of training student loads.

PART D—OTHER PERSONNEL STRENGTH MATTERS

Sec. 431. Report on cadre concept.

TITLE V—MILITARY PERSONNEL

PART A—PERSONNEL READJUSTMENT BENEFITS

Sec. 501. Separation pay.
Sec. 502. Other transition benefits and services.
Sec. 503. Travel and transportation allowances relating to members involuntarily separated.
Sec. 504. Continuation of enrollment in schools of the defense dependents' education system for dependents of members involuntarily separated.

PART B—DEFENSE OFFICER PERSONNEL MANAGEMENT POLICIES

Sec. 521. Officer retention flexibility.
Sec. 522. Reduction in time-in-grade requirement for retention of grade upon voluntary retirement.
Sec. 523. Required length of commissioned service for voluntary retirement as an officer.
Sec. 524. Report on initial appointment of all officers as Reserve officers and on the appropriate active duty obligation of graduates of the service academies.

PART C—OFFICER EDUCATION AND TRAINING

Sec. 531. Reduction in the number of appointments for the class of a service academy entering in 1991 and in 1995.
Sec. 532. Repeal of authority of Administrator of Panama Canal Commission to nominate cadets and midshipmen.
Sec. 533. Modification of the ten-year service obligation for graduates of the Uniformed Services University of the Health Sciences.
Sec. 534. Advanced educational assistance.

PART D—MILITARY JUSTICE AMENDMENTS

Sec. 541. Clarification of certain provisions in Uniform Code of Military Justice.

PART E—MISCELLANEOUS

Sec. 551. Services by notaries public.
Sec. 552. Meaning of the term "office" under section 2071(b) of title 18, United States Code.
Sec. 553. Extension to Coast Guard of law providing for identification, treatment, and rehabilitation of members of the Armed Forces who are dependent on drugs or alcohol.
Sec. 554. Advisory committee on mental health evaluation protections.
Sec. 555. Amendments to the Uniformed Services Former Spouses' Protection Act.
Sec. 556. Authority for commissioned officers to serve on independent school boards.

Sec. 557. Navy rations.
Sec. 558. Report regarding requirement for duty in support of National Guard and Reserves.
Sec. 559. Prohibition on certain reserve service.

PART F—MONTGOMERY GI BILL

Sec. 561. Opportunity for certain personnel to enroll in Montgomery GI bill before being involuntarily separated from service.
Sec. 562. Clarifying amendments to Montgomery GI bill active duty program.
Sec. 563. Participation of certain National Guard personnel in Montgomery GI bill.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

Sec. 601. Military pay raise for fiscal year 1991.
Sec. 602. Modification of limitation on adjustments in variable housing allowance.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

Sec 611. Multiyear medical officer retention bonus.
Sec. 612. Increase in physician special pay for officers in a pay grade above O-6.
Sec. 613. Extension of nurse incentive programs.
Sec. 614. Extension of special pay for nurse anesthetists to other nursing specialties.
Sec. 615. Authority to terminate selective reenlistment bonus payments.
Sec. 616. Extension of special pay for critically short wartime health specialists in the Selected Reserve.
Sec. 617 Retention bonus for optometrists.
Sec. 618. Provision of board certification special pay for nonphysician health care providers.

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

Sec. 621. Permanent authority to pay members for labor furnished in connection with the transportation of baggage and household goods.
Sec. 622. Baggage and household weight allowance for cadets and midshipmen.

PART D—MISCELLANEOUS

Sec. 631. Delay in effective date of optional high-tier Survivor Benefit Plan coverage and open enrollment period.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE SERVICES

Sec. 701. Provision of pap smears and mammograms under CHAMPUS.
Sec. 702. Repeal of the limitation on the payment of services of marriage and family therapists as a medical expense.
Sec. 703. Mental health services.

PART B—HEALTH CARE MANAGEMENT

Sec. 711. Limitation on reductions in medical personnel.
Sec. 712. Increase in annual deductibles under CHAMPUS for certain covered beneficiaries.
Sec. 713. Collection from third-party payers of reasonable costs of health care services incurred on behalf of retired persons and dependents.
Sec. 714. Increase in the pay limit for personal services contracts for direct health care providers.
Sec. 715. Conditions on expansion of CHAMPUS reform initiative.
Sec. 716. Requirements prior to termination of medical services at military medical treatment facilities.
Sec. 717. Limitation on awarding contract for full production of medical information systems.
Sec. 718. Uniformed Services Treatment Facilities.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

PART A—ACQUISITION MANAGEMENT IMPROVEMENT

Sec. 800. Advisory panel on streamlining and codifying acquisition laws.
Sec. 801. Authority governing operation of working-capital funded activities.
Sec. 802. Procedures for contract solicitation and evaluation.

Sec. 803. Certified cost or pricing data threshold.
Sec. 804. Repeal of requirements relating to commercial pricing for spare or repair parts.
Sec. 805. Competitive alternative source requirement.
Sec. 806. Uniform small purchase threshold for various requirements applicable to Federal Government contractors.
Sec. 807. Membership on Federal Acquisition Regulatory Council.
Sec. 808. Procedures applicable to multiyear procurement contracts.
Sec. 809. Major defense acquisition pilot program.
Sec. 810. Acquisition of commercial products.

Part B—Modifications to Existing Law

Sec. 811. Clarification of small business concerns covered by section 1207.
Sec. 812. Additional prohibition on convicted individuals.
Sec. 813. Disclosure requirement relating to subcontractors.
Sec. 814. Authority to use funds for administrative costs of procurement technical assistance program.
Sec. 815. Post-employment rules.

Part C—Defense Industrial and Technology Base

Sec. 821. Annual defense critical technologies plan.
Sec. 822. Critical Technologies Institute.
Sec. 823. Manufacturing technology.
Sec. 824. Independent research and development enhancement.
Sec. 825. Annual report on activities relating to defense industrial base.
Sec. 826. Defense industrial base for textile and apparel products.
Sec. 827. Use of partnership intermediaries.
Sec. 828. Technology transfer contract provisions.

Part D—Miscellaneous

Sec. 831. Mentor-protege pilot program.
Sec. 832. Enhancing participation of historically Black colleges and universities and minority institutions in defense research.
Sec. 833. Equal employment opportunities relating to an Army contract.
Sec. 834. Evaluation of contracts for professional and technical services.
Sec. 835. Requirement to use domestically manufactured carbonyl iron powders.
Sec. 836. Reduction or suspension of contract payments upon finding of fraud.
Sec. 837. Defense contractor requirements with respect to employees who communicate with government officials.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

Part A—General Management Matters

Sec. 901. National military strategy reports.
Sec. 902. Joint staff.
Sec. 903. Army Reserve Command.
Sec. 904. Security investigations.
Sec. 905. Twenty percent reduction in defense acquisition workforce.
Sec. 906. Reduction in personnel assigned to management headquarters activities and headquarters support activities.
Sec. 907. Intelligence priorities and reorganization.
Sec. 908. Additional funding for unified and specified combatant commands for fiscal year 1991.
Sec. 909. Study and plan regarding mobility requirements.
Sec. 910. Elimination of statutory position of Chief of Naval Research.

Part B—Professional Military Education

Sec. 911. Preparation of budget requests for operation of professional military education schools.
Sec. 912. Authority of Naval War College to confer degree of master of arts in national security and strategic studies.

Part C—Contracting Out

Sec. 921. Continuation of authority of base commanders over contracting for commercial activities.
Sec. 922. Authorization of pilot program for depot maintenance workload competition.

TITLE X—DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

Sec. 1001. Drug interdiction and counter-drug activities funding.
Sec. 1002. Over-the-horizon radar.
Sec. 1003. Civil air patrol.
Sec. 1004. Additional support for counter-drug activities.
Sec. 1005. Transfer of excess defense articles.
Sec. 1006. Sense of Congress regarding the effective use of counter-drug funds.
Sec. 1007. Report on defense spending for counter-drug activities.
Sec. 1008. Study of utility of OH-58D helicopter in detection of cross-border intrusions by drug smugglers.
Sec. 1009. Andean anti-drug efforts.
Sec. 1010. Creation of a multilateral counter drug strike force.
Sec. 1011. Counter-Drug Technology Assessment Center.

TITLE XI—OPERATION DESERT SHIELD

PART A—FUNDING MATTERS

Sec. 1101. Supplemental funds for fiscal year 1990.
Sec. 1102. Accounting for costs of Operation Desert Shield.

PART B—MILITARY PERSONNEL MATTERS

Sec. 1111. Military pay and allowances.
Sec. 1112. Sense of Congress concerning activation of National Guard Combat Brigade.
Sec. 1113. Technical amendment concerning mailing privileges for members of the Armed Forces participating in operation desert shield.
Sec. 1114. Savings program for overseas personnel.
Sec. 1115. Treatment of accumulated leave.
Sec. 1116. Report on options for reforming the basic allowance for subsistence entitlement.
Sec. 1117. End strength flexibility.

PART C—PROCUREMENT MATTERS

Sec. 1121. Procurement flexibility for small purchases.

TITLE XII—DEFENSE ACQUISITION WORKFORCE

Sec. 1201. Short title.
Sec. 1202. Defense acquisition workforce.
Sec. 1203. Special pay for certain officers holding critical acquisition positions.
Sec. 1204. Definition of service acquisition executive.
Sec. 1205. Defense acquisition university structure.
Sec. 1206. Acquisition workforce enhancements.
Sec. 1207. Repeal of certain provisions.
Sec. 1208. Evaluation by Comptroller General.
Sec. 1209. Transition provisions.
Sec. 1210. Regulations.
Sec. 1211. Effective date.

TITLE XIII—REDUCTION IN REPORTING REQUIREMENTS

PART A—REPEAL OF EXISTING REPORT REQUIREMENTS

Sec. 1301. Reports required by title, United States Code.
Sec. 1302. Reports and notifications required by annual authorization Acts.
Sec. 1303. Reports required by other laws.

PART B—MODIFICATIONS TO EXISTING REPORT REQUIREMENTS

Sec. 1311. Reports required by title 10, United States Code.
Sec. 1312. Reports required by annual authorization Acts.

PART C—REPORT PROVISIONS PREVIOUSLY TERMINATED BY GOLDWATER-NICHOLS ACT

Sec. 1321. Purpose.
Sec. 1322. Repeal of statutory provisions terminated by Goldwater-Nichols Act.
Sec. 1323. Restoration of certain reporting requirements of title 10, United States Code, terminated by Goldwater-Nichols Act.
Sec. 1324. Repeal of Goldwater-Nichols reports termination section.

PART D—CLERICAL AMENDMENTS

Sec. 1331. Clerical amendments.

TITLE XIV—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

Sec. 1401. Transfer authority.
Sec. 1402. Annual multiyear defense plan.
Sec. 1403. Multiyear National Foreign Intelligence Program.
Sec. 1404. Mission oriented presentation of Department of Defense matters in the budget.
Sec. 1405. Controls on the availability of appropriation accounts.
Sec. 1406. Audit of obligated balances of Department of Defense.
Sec. 1407. Full life-cycle cost information for all major defense acquisition programs.
Sec. 1408. Funds in Defense Cooperation Account.
Sec. 1409. Classified annex.

PART B—NAVAL VESSELS AND SHIPYARDS

Sec. 1421. Procurement limitations with respect to certain equipment for naval vessels.
Sec. 1422. Policy for area in which solicitations must be issued for contracts for overhaul, etc., of naval reserve force ships homeported on the west coast.
Sec. 1423 Report on use of Mayport Naval Station as homeport for nuclear aircraft carriers.
Sec. 1424. Fast sealift program.
Sec. 1425. Authorization for naval shipyards and aviation depots to engage in defense-related production and services during fiscal year 1991.
Sec. 1426. Naming of guided missile destroyer the U.S.S. Samuel S. Stratton.
Sec. 1427. Clarification of procedures for review of certain vessel transfers.

PART C—GUARD AND RESERVE INITIATIVE

Sec. 1431. Sense of the Congress on greater use of the reserve components of the Armed Forces.
Sec 1432. Findings and sense of Congress regarding the importance of Ready Reserve.
Sec. 1433. Commendation of the work of the National Guard and Reserves.
Sec. 1434. Sense of Congress concerning United States armored forces.
Sec. 1435. Preservation of force structure in the reserve components.
Sec. 1436. Air National Guard and Air Force Reserve aircraft.
Sec. 1437. P-3 Aircraft.
Sec. 1438. Tactical airlift mission.
Sec. 1439. Replacement of OV-1 and OV-10 aircraft with A-10 aircraft.

PART D—ARMS CONTROL MATTERS

Sec. 1441. Sense of Congress on additional nuclear risk reduction measures.
Sec. 1442. START and strategic modernization.
Sec. 1443. Strategic Arms Reduction Talks agreement.

PART E—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Sec. 1451. Reciprocal logistical support.
Sec. 1452. Department of Defense ombudsman for foreign signatories of inter-governmental memorandums of agreement concerning acquisition matters.
Sec. 1453. Expansion of scope of requirements relating to defense memoranda of understanding and related agreements.
Sec. 1454. Cooperation with Japan on technological research and development.
Sec. 1455. Permanent ceiling on United States Armed Forces in Japan and contributions by Japan to the support of United States forces in Japan.
Sec. 1456. Limitation on the costs to the United States for payments to foreign nationals employed at bases outside the United States.
Sec. 1457. Annual report on United States security arrangements and commitments with other nations.
Sec. 1458. Economic sanctions against the Republic of Iraq.
Sec. 1459. Humanitarian assistance for Lithuania.

PART F—MISCELLANEOUS MATTERS

Sec. 1461. Congressional oversight of special access programs.
Sec. 1462. Development and production of weapons and weapon systems having standoff attack capabilities and employing sensor-fused devices.
Sec. 1463. Authority to reimburse North American Van Lines and the Church of God for certain damages caused during Operation Just Cause.

Sec. 1464. Extension of deadline for national test center instrumentation.
Sec. 1465. Overseas Workload Program.
Sec. 1466. Designation of the Colonel Thomas Hawkins Johnson Visiting Scholar Program and Lecture Series.
Sec. 1467. Study of commercial aviation access to certain restricted special use airspace.
Sec. 1468. Consultation and report requirements relating to Ranch Hand Study of Department of the Air Force.
Sec. 1469. Annual presentation for congressional defense leadership on United States national military strategy.

PART G—CONGRESSIONAL FINDINGS, POLICIES, AND COMMENDATIONS

Sec. 1471. Commemoration of the efforts of the Battle of the Bulge historical foundation.
Sec. 1472. Commendation of United States military personnel for Philippine earthquake relief effort.

PART H—CODIFICATION OF CERTAIN PROVISIONS OF LAW AND TECHNICAL AMENDMENTS

Sec. 1481. Restatement in title 10, United States Code, of selected permanent law provisions.
Sec. 1482. Codification of certain recurring provisions of annual defense appropriations Acts.
Sec. 1483. Restatement of law relating to annual personnel strength authorizations, annual manpower requirements reports, and annual national guard and reserve component procurement report.
Sec. 1484. Technical and clerical amendments.

PART I—CONGRESSIONAL MEDALS

Sec. 1491. Congressional gold medal for Matthew B. Ridgway.
Sec. 1492. Congressional medal for veterans of the attack on Pearl Harbor.
Sec. 1493. Yosemite National Park centennial medal.
Sec. 1494. National medals

TITLE XV—ARMED FORCES RETIREMENT HOME

Sec. 1501. Short title.
Sec. 1502. Definitions.

PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

Sec. 1511. Establishment of the Armed Forces Retirement Home.
Sec. 1512. Residents of Retirement Home.
Sec. 1513. Services provided residents.
Sec. 1514. Fees paid by residents.
Sec. 1515. Composition and operation of Retirement Home Board.
Sec. 1516. Duties of Retirement Home Board.
Sec. 1517. Directors and staff.
Sec. 1518. Inspection by Inspector General of the Department of Defense.
Sec. 1519. Retirement Home Trust Fund.
Sec. 1520. Disposition of effects of deceased persons; unclaimed property.

PART B—TRANSITIONAL PROVISIONS

Sec. 1531. Transfer of trust funds relating to the Naval Home and the Soldiers' and Airmen's Home.
Sec. 1532. Repeal of provisions relating to the Naval Home and the United States Soldiers' and Airmen's Home.
Sec. 1533. Conforming amendments.

PART C—EFFECTIVE DATE AND AUTHORIZATION OF APPROPRIATIONS

Sec. 1541. Effective date.
Sec. 1542. Authorization of appropriations for the United States Soldiers' and Airmen's Home.

TITLE XVI—CHARTER FOR 82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED

Sec. 1601. Charter.
Sec. 1602. Powers.
Sec. 1603. Objects and purposes of corporation.
Sec. 1604. Service of process.

Sec. 1605. Membership.
Sec. 1606. Board of directors; composition; responsibilities.
Sec. 1607. Officers of corporation.
Sec. 1608. Restrictions.
Sec. 1609. Liability.
Sec. 1610. Books and records; inspection.
Sec. 1611. Audit of financial transactions.
Sec. 1612. Annual report.
Sec. 1613. Reservation of right to amend, alter, or repeal charter.
Sec. 1614. Definition of state.
Sec. 1615. Tax-exempt status.
Sec. 1616. Termination.

TITLE XVII—MISSILE TECHNOLOGY CONTROLS

Sec. 1701. Policy.
Sec. 1702. Amendment to the Export Administration Act of 1979.
Sec. 1703. Amendment to the Arms Export Control Act.
Sec. 1704. Report on missile proliferation.

TITLE XVIII—STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

Sec. 1801. Strategic Environmental Research and Development Program.
Sec. 1802. Availability of funds.
Sec. 1803. Deadline for completion and execution of agreements with the Environmental Protection Agency.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects inside the United States.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Ammunition demilitarization facility, Tooele Army Depot, Utah.
Sec. 2106. Extension of certain prior year authorizations.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Defense access roads.
Sec. 2205. Authorization of appropriations, Navy.
Sec. 2206. Extension of certain prior year authorizations.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of a facility.
Sec. 2306. Termination of authority to carry out certain military construction project.
Sec. 2307. Designation of installation.
Sec. 2308. Restriction on relocation or realignment at Tonopah Research Site, Nevada.
Sec. 2309. Extension of certain prior authorizations.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Conforming storage facilities.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Medical facility, Nellis Air Force Base, Nevada.
Sec. 2406. Extension of certain prior year authorizations.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.
Sec. 2503. Study and report by the Secretary of Defense.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations.

TITLE XXVIII—GENERAL PROVISIONS

PART A—CONSTRUCTION, LEASING, IMPROVEMENTS, DISPOSAL, AND UTILIZATION OF MILITARY INSTALLATIONS AND FACILITIES

Sec. 2801. Dual basing.
Sec. 2802. Limitation on construction at Crotone, Italy.
Sec. 2803. Restrictions on leasing in the national capital region.
Sec. 2804. Operation and control of the Pentagon Reservation.
Sec. 2805. Revenue from transfer or disposal of Department of Defense real property.
Sec. 2806. Revenue from leasing out Department of Defense assets.
Sec. 2807. Sense of Congress concerning a military construction moratorium.

PART B—MILITARY CONSTRUCTION PROGRAM CHANGES

Sec. 2811. One-year extension of military housing rental guarantee program.
Sec. 2812. Family housing improvement threshold.

PART C—LAND TRANSACTIONS

Sec. 2821. Land conveyance, Redstone Arsenal, Alabama.
Sec. 2822. Release and conveyance, Reserve Center at Little Rock, Arkansas.
Sec. 2823. Land conveyance, Naval Weapons Station, Concord, California.
Sec. 2824. Lease at Hunters Point Naval Shipyard, San Francisco, California.
Sec. 2825. Transfer of lands, Pinon Canyon, Colorado.
Sec. 2826. Land conveyance, Cape Henlopen, Delaware.
Sec. 2827. Land conveyance, Eglin Air Force Base, Florida.
Sec. 2828. Land conveyance, Naval Air Station, Cecil Field, Jacksonville, Florida.
Sec. 2829. Land exchange, Fort Benning, Georgia.
Sec. 2830. Land conveyance, Robins Air Force Base, Georgia.
Sec. 2831. Land conveyance, Dillingham Military Reservation, Hawaii.
Sec. 2832. Land conveyance, South Bend, Indiana.
Sec. 2833. Land exchange, Lexington Park, Maryland.
Sec. 2834. Land exchange at Marine Corps Finance Center, Kansas City, Missouri.
Sec. 2835. Exchange of interests, Camp Withycombe, Oregon.
Sec. 2836. Conveyance at Fort Douglas, Utah.
Sec. 2837. Land conveyance, Naval Reserve Center, Burlington, Vermont.
Sec. 2838. Land transfer, Arlington, Virginia.
Sec. 2839. Land conveyance, Fort A.P. Hill Military Reservation, Virginia.
Sec. 2840. Easement conveyance, Fort Lawton, Seattle, Washington.

PART D—DEPARTMENT OF DEFENSE ENERGY SAVINGS

Sec. 2851. Department of Defense energy savings program.
Sec. 2852. Technical amendments.

PART E—MISCELLANEOUS PROVISIONS

Sec. 2861. Relocation of the Florida Solar Energy Center.
Sec. 2862. Modification of height restriction in avigation easement.
Sec. 2863. Henderson Hall, Arlington, Virginia.
Sec. 2864. Additional authority for lease-purchase.
Sec. 2865. Sale of aggregate, Naval Air Station, Miramar, California.
Sec. 2866. Study to evaluate joint military-civilian use of military airfields.
Sec. 2867. Negotiations for joint civilian and military use of the airfield at Wheeler Air Force Base, Hawaii.
Sec. 2868. Extension of termination date for land conveyance at Eglin Air Force Base, Florida.

TITLE XXIX—DEFENSE BASE CLOSURES AND REALIGNMENTS

PART A—DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Sec. 2901. Short title.
Sec. 2902. The Commission.
Sec. 2903. Procedure for making recommendations for base closures and realignments.
Sec. 2904. Closure and realignment of military installations.
Sec. 2905. Implementation.
Sec. 2906. Account.
Sec. 2907. Reports.
Sec. 2908. Congressional consideration of Commission report.
Sec. 2909. Restriction on other base closure authority.
Sec. 2910. Definitions.
Sec. 2911. Clarifying amendment.

PART B—OTHER PROVISIONS RELATING TO DEFENSE BASE CLOSURES AND REALIGNMENTS

Sec. 2921. Closure of foreign military installations.
Sec. 2922. Modification of the content of biannual report of the Commission on alternative utilization of military facilities.
Sec. 2923. Funding for environmental restoration at military installations scheduled for closure inside the United States.
Sec. 2924. Community preference consideration in closure and realignment of military installations.
Sec. 2925. Recommendations of the Base Closure Commission.
Sec. 2926. Contracts for certain environmental restoration activities.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 3101. Operating expenses.
Sec. 3102. Plant and capital equipment.
Sec. 3103. Environmental restoration and waste management.
Sec. 3104. Funding limitations.

PART B—RECURRING GENERAL PROVISIONS

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for construction design.
Sec. 3126. Authority for emergency construction design.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

PART C—MISCELLANEOUS

Sec. 3131. Remanufacture of nuclear stockpile weapons.
Sec. 3132. Laboratory-directed research and development programs.
Sec. 3133. National Environmental Policy Act compliance report requirement.
Sec. 3134. Report on environmental restoration expenditures.
Sec. 3135. Department of Energy management plan for environmental restoration and waste management activities.
Sec. 3136. Extension of authority to loan personnel and facilities to community development organizations near Hanford Reservation.
Sec. 3137. Safety measures for waste tanks at Hanford Nuclear Reservation.
Sec. 3138. Programs for persons who may have been exposed to radiation released from Hanford Nuclear Reservation.
Sec. 3139. Payments for injuries believed to arise out of atomic weapons testing program.
Sec. 3140. Repeal.
Sec. 3141. Contractor liability for injury or loss of property arising out of atomic weapons testing programs.
Sec. 3142. Sense of Congress on negotiating agreements to achieve a comprehensive test ban.

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

Sec. 3151. Production of plutonium and highly enriched uranium for nuclear weapons and disposal of nuclear stockpiles.
Sec. 3152. Development and demonstration of means for warhead dismantlement verification.

PART E—DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS

Sec. 3161. Short title.
Sec. 3162. Findings and purposes.
Sec. 3163. Mission.
Sec. 3164. Science education programs.
Sec. 3165. Laboratory cooperative science centers and other authorized education activities.
Sec. 3166. Education partnerships.
Sec. 3167. Definitions.
Sec. 3168. Authorization of appropriations.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.
Sec. 3202. Appointment and compensation of scientific and technical personnel of the Defense Nuclear Facilities Safety Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authority to barter material in the national defense stockpile to finance the upgrading, refining, or processing of stockpile material.
Sec. 3302. Transfer of funds.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. General provisions.
Sec. 3504. Compensation for Board members.
Sec. 3505. Compensation for Deputy Administrator and Chief Engineer.
Sec. 3506. Retirement.
Sec. 3507. Amendments to Panama Canal Compensation Fund Act of 1988.

DIVISION D—ECONOMIC ADJUSTMENT, DIVERSIFICATION, CONVERSION, AND STABILIZATION

Sec. 4001. Short title.
Sec. 4002. Findings and policy.
Sec. 4003. Definitions.
Sec. 4004. Continuation of Economic Adjustment Committee.

TITLE XLI—ECONOMIC ADJUSTMENT PLANNING

Sec. 4101. Notification.
Sec. 4102. Economic adjustment planning assistance through the Department of Defense.
Sec. 4103. Community economic adjustment assistance through the Economic Development Administration.

TITLE XLII—ADJUSTMENT ASSISTANCE FOR EMPLOYEES

Sec. 4201. Secretary of Defense notice requirement.
Sec. 4202. Defense conversion adjustment program.
Sec. 4203. Authorization of appropriations.

TITLE XLIII—EXPANSION OF BUSINESS CAPITAL ASSISTANCE PROGRAMS

Sec. 4301. Expansion of small business loan program.
Sec. 4302. Economic planning assistance for exceptional projects.
Sec. 4303. Expansion of export financing for goods and services produced by firms and employees formerly engaged in defense production.
Sec. 4304. Benefit information for businesses.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY

(a) **AIRCRAFT.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft for the Army in the amount of $1,274,383,000, of which $566,489,200 is for modification of aircraft.

(b) **MISSILES.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of missiles for the Army in the amount of $2,081,123,000, of which $135,374,000 is for modification of missiles.

(c) **WEAPONS AND TRACKED COMBAT VEHICLES.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of weapons and tracked combat vehicles for the Army in the amount of $2,063,672,000.

(d) **AMMUNITION.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of ammunition for the Army in the amount of $1,346,832,000.

(e) **OTHER PROCUREMENT.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for other procurement for the Army in the amount of $2,541,884,000, of which—

(1) $609,575,000 is for tactical and support vehicles;

(2) $1,118,747,000 is for communications and electronics equipment; and

(3) $813,562,000 is for other support equipment.

SEC. 102. NAVY AND MARINE CORPS

(a) **AIRCRAFT.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft for the Navy in the amount of $8,107,698,000, of which $1,243,642,000 is for modification of aircraft.

(b) **WEAPONS.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of weapons (including missiles and torpedoes) for the Navy in the amount of $5,981,191,000. Amounts authorized under the preceding sentence are available as follows:

(1) For missile programs other than ballistic missile programs, $3,095,276,000.

(2) For torpedo programs, $841,318,000 as follows:

For the MK-48 torpedo program, $350,291,000.

For the MK-50 torpedo program, $328,266,000.

For the ASW target program, $26,409,000.

For the ASROC program, $20,156,000.

For the torpedo support equipment program, $55,278,000.

For the antisubmarine warfare range support program, $24,382,000.

For first destination transportation, $8,700,000.

(3) For other weapons, $202,146,000, of which—

(A) $61,958,000 is for the MK-15 close-in weapon system; and

(B) $81,292,000 is for the close-in weapon system modification program.

(4) For other ordnance, $233,241,000.

(5) For spares and repair parts, $69,209,000.

(c) **Shipbuilding and Conversion.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for shipbuilding and conversion for the Navy in the amount of $9,414,800,000. Amounts authorized under the preceding sentence are available as follows:

For the Trident submarine program, $1,145,629,000.

For the SSN-21 nuclear attack submarine program, $2,106,000,000.

For the aircraft carrier service life extension program (SLEP), $113,068,000.

For the DDG-51 guided missile destroyer program, $3,222,003,000.

For the LHD-1 amphibious assault ship program, $959,800,000.

For the LSD-41 cargo variant program, $240,000,000.

For the oceanographic research ship program, $43,100,000.

For service craft and landing craft, $27,300,000.

For the landing craft, air cushion (LCAC) program, $267,900,000.

For outfitting and post delivery, $335,600,000.

For first destination transportation, $5,800,000.

(d) **Other Procurement, Navy.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for other procurement for the Navy in the amount of $5,488,599,000. Amounts authorized under the preceding sentence are available for certain programs as follows:

(1) For the ship support equipment program, $1,214,555,000.

(2) For the communications and electronics equipment program, $1,796,957,000.

(3) For aviation support equipment, $370,787,000.

(4) For the ordnance support equipment program, $544,836,000.

(5) For civil engineering support equipment, $81,658,000.

(6) For supply support equipment, $270,760,000.

(7) For personnel and command support equipment, $743,728,000.

(8) For spares and repair parts, $465,278,000.

(e) **Marine Corps.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Marine Corps in the amount of $752,479,000.

SEC. 103. AIR FORCE

(a) **Aircraft.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft for the Air Force in the amount of $9,805,933,000, of which $1,471,231,000 is available for modification of aircraft.

(b) **Missiles.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of missiles for the Air Force in the amount of $6,109,469,000, of which $111,273,000 is available for modification of missiles.

(c) **OTHER PROCUREMENT.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for other procurement for the Air Force in the amount of $7,826,452,000, of which—

(1) $416,480,000 is for munitions and associated support equipment;

(2) $137,963,000 is for vehicular equipment;

(3) $1,376,092,000 is for electronics and telecommunications equipment; and

(4) $5,895,917,000 is for other base maintenance and support equipment.

SEC. 104. DEFENSE AGENCIES

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Defense Agencies in the amount of $2,149,954,000, of which—

(1) $161,500,000 is for electronic warfare procurement; and

(2) $637,096,000 is for the Special Operations Command.

SEC. 105. DEFENSE INSPECTOR GENERAL

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Inspector General of the Department of Defense the amount of $981,000.

SEC. 106. RESERVE COMPONENTS

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $690,900,000.

(2) For the Air National Guard, $389,700,000.

(3) For the Army Reserve, $46,100,000.

(4) For the Navy Reserve, $478,300,000.

(5) For the Air Force Reserve, $137,700,000.

(6) For the Marine Corps Reserve, $129,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated for fiscal year 1991 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of $382,600,000.

SEC. 108. MULTIYEAR AUTHORIZATIONS

The Secretary of the military department concerned may use funds appropriated for fiscal year 1991 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) For the Department of the Army:
  (A) UH-60L Helicopter Program.
  (B) Pedestal-Mounted Stinger (Avenger) Program.
  (C) Family of Medium Trucks.

(2) For the Department of the Air Force:
  (A) The GPS Navstar Satellite Program.
  (B) The Defense Support Program.

SEC. 109. REPEAL OF PRIOR MILESTONE AUTHORIZATIONS

(a) **PROCUREMENT PROGRAMS.**—Section 106 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1034) is repealed.

(b) RDT&E PROGRAMS.—Section 216 of such Act (101 Stat. 1051) is repealed.

PART B—B-2 AIRCRAFT PROGRAM

SEC. 121. LIMITATION ON OBLIGATIONS

Of the amount appropriated pursuant to section 103 for procurement of aircraft for the Air Force, not more than $2,349,308,000 may be obligated for procurement of B-2 aircraft.

PART C—OTHER STRATEGIC PROGRAMS

SEC. 131. SRAM II MISSILE PROGRAM

None of the funds appropriated for fiscal year 1991 for procurement for the Air Force may be obligated for the SRAM II missile program (other than funds for peculiar support equipment and the industrial modernization improvement program) until the Secretary of Defense certifies to the congressional defense committees that development flight tests for that missile demonstrate that the missile (including the rocket motor propellant) meets the established performance criteria.

SEC. 132. GROUND-WAVE EMERGENCY NETWORK

None of the funds appropriated pursuant to this or any other Act may be obligated or expended for site preparation or construction of any tower or related support facility for the Ground-Wave Emergency Network (GWEN) System until—

(1) the Secretary of Defense provides for the conduct of an independent study of such system on the health effects and environmental impact of the system on surrounding local jurisdictions; and

Reports.

(2) a report containing the results of such study, together with the Secretary's comments and recommendations concerning the report, has been submitted to the congressional defense committees and a period of 15 days has elapsed after the report is received.

SEC. 133. B-1B AIRCRAFT PROGRAM

Section 121(e)(3)(C) of Public Law 101-189 (103 Stat. 1380) is amended by striking out "in the late 1990s" and inserting in lieu thereof "in 2010".

SEC. 134. PROHIBITION ON OBLIGATION OR EXPENDITURE OF FISCAL YEAR 1990 FUNDS FOR MX RAIL GARRISON PROCUREMENT

Funds appropriated for fiscal year 1990 for procurement of missiles for the Air Force may not be obligated or expended for the MX Rail Garrison program.

SEC. 135. REPORT ON ALTERNATIVE MX MISSILE TEST PLANS

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on alternative MX missile test plans. The report shall be submitted, in both classified and unclassified forms, by August 1, 1991.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include the following matters:

(1) A description of the guidelines established by the Chairman of the Joint Chiefs of Staff for assessing the reliability of the MX missile during Phase II Operational Testing.

(2) A description of the currently planned Phase II Operational Test program for the MX missile.

(3) A complete assessment of the extent to which the guidelines described in paragraph (1) will be met under the MX missile Phase II Operational Test program described in paragraph (2).

(4) A complete assessment of the extent to which the guidelines described in paragraph (1) could be met under the MX missile Phase II Operational Test program if the total number of MX missiles procured were reduced from the planned 173 missiles to (A) 126 missiles, and (B) 150 missiles.

(5) A description and net assessment of any other significant effects of reducing the number of MX test missiles as described in paragraph (4), including (A) an estimate of the associated cost savings, and (B) a description of the effect on existing contractual obligations and how the associated costs could be minimized.

(6) A full description of how information from sources other than missile flight testing, including inspection of missile silos, aging and surveillance programs, production quality control, experience with previously deployed missile systems, and simulation, is factored into the assessment of missile reliability.

SEC. 136. LIMITATION ON ADVANCE PROCUREMENT OF ADVANCED CRUISE MISSILE

Of the amount appropriated pursuant to section 103 for Missile Procurement, Air Force, that is available for advance procurement of the Advanced Cruise Missile, not more than $64,400,000 may be obligated until—

(1) a Defense Acquisition Board determines—

(A) the total number of Advanced Cruise Missiles that will be acquired;

(B) the acquisition strategy that will be used to acquire the missiles; and

(C) the suitability of the program to enter into a full production rate of 250 missiles annually;

(2) the scheduled follow-on operational flight tests are completed in fiscal year 1991;

(3) the Secretary of Defense certifies to the congressional defense committees that the results of those flight tests demonstrate that the performance of the Advanced Cruise Missile meets the established requirements to proceed to a full-rate production decision; and

Reports.

(4) the Secretary of Defense submits to the congressional defense committees a report on the determinations of the Defense Acquisition Board made under paragraph (1).

SEC. 137. LIMITATION ON OBLIGATION OF FUNDS FOR KC-135R AIRCRAFT RE-ENGINING MODIFICATION PROGRAM

(a) Limitation.—Funds appropriated pursuant to this Act may not be obligated for the KC-135R tanker aircraft re-engining modification program until the Secretary of Defense—

(1) conducts a defense-wide reassessment of requirements for tanker aircraft and the cost effectiveness of additional conver-

sions of the E and Q models of the KC-135 aircraft to the R configuration as compared with maintaining the A models of that aircraft; and

(2) submits a report on the results of the reassessment to the congressional defense committees.

(b) **Reassessment.**—In carrying out the reassessment, the Secretary shall take into consideration—

(1) current and planned force structure reductions;

(2) changes in the Single Integrated Operating Plan (SIOP); and

(3) changes in United States contingency planning.

PART D—ARMY PROGRAMS

SEC. 141. ADATS MISSILE SYSTEM

(a) **Limitation.**—The Secretary of the Army may not obligate any funds after the date of the enactment of this Act for a payment under the ADATS air defense program for contractor corrections of system reliability deficiencies to meet original program specifications for the system.

(b) **Exception.**—This section does not preclude the obligation of funds to pay for product improvements approved by the Government before Initial Operational Test and Evaluation.

SEC. 142. M-1 ABRAMS TANK PROGRAM

(a) **Limitation.**—Of the funds appropriated or otherwise made available for procurement of weapons and tracked combat vehicles for the Army for fiscal year 1991, the Secretary of the Army, subject to subsection (b), may use any or all of the $150,000,000 provided for advance procurement (1) to buy M1 tanks in the M1A2 configuration, or (2) to initiate an M1-to-M1A2 conversion program.

(b) **Certification.**—The advance procurement funds described in subsection (a) may not be used for a purpose described in that subsection until the Secretary of the Army certifies to the congressional defense committees that the M1A2 tank has successfully completed development and operational tests.

SEC. 143. PROCUREMENT OF AHIP SCOUT HELICOPTERS

Section 133(b)(1) of Public Law 101-189 (103 Stat. 1383) is amended—

(1) by striking out "Subject to subsection (c), the" and inserting in lieu thereof "The";

(2) by striking out "and" at the end of subparagraph (B);

(3) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(D) the obligation of not more than $200,000,000 from funds appropriated pursuant to an authorization of appropriations for the OH-58D AHIP Scout aircraft program during fiscal year 1991 for procurement of not more than 36 OH-58D Armed AHIP Scout aircraft and for payment of costs necessary to terminate the AHIP Scout aircraft program.".

SEC. 144. PROVISION OF CH-47 AIRCRAFT FOR THE ARMY NATIONAL GUARD

(a) **Transfer of Aircraft to Air National Guard.**—Of the modified CH-47 aircraft procured with funds appropriated or otherwise made available in fiscal year 1991, the Secretary of the Army shall distribute not less than 24 such aircraft to the Army National Guard of the United States, as provided in subsection (b).

(b) PLAN REQUIRED.—(1) The Secretary of the Army shall develop a plan to retire—

(A) not less than 24 CH-54 aircraft assigned to the Army National Guard of the United States not later than September 30, 1992; and

(B) all remaining CH-54 aircraft assigned to the Army National Guard of the United States not later than September 30, 1993.

(2) For each CH-54 aircraft assigned to the Army National Guard of the United States that is retired by the Secretary of the Army on or after the date of enactment of this Act, the Secretary shall transfer one of the CH-47 aircraft referred to in subsection (a) to the Army National Guard of the United States.

PART E—NAVY AND MARINE CORPS PROGRAMS

SEC. 151. A-12 AIRCRAFT PROGRAM

(a) FUNDING.—Of the funds authorized to be appropriated or otherwise made available for aircraft procurement for the Navy for fiscal year 1991, $610,000,000 shall be available for the A-12 aircraft program. Such funds—

(1) may be used only for an A-12 program—

(A) that conforms to the pricing provisions of existing contracts, adjusted for quantity and inflation, as appropriate; or

(B) that is restructured to reduce technical and schedule risks arising from concurrency and for which the new program price is based on actual contract cost data from the pre-restructured program; and

(2) may not be obligated or expended until 45 days after the date on which the Secretary of Defense submits to the congressional defense committees the report described in subsection (d).

(b) DEFENSE SCIENCE BOARD PANEL.—The Secretary of Defense shall establish a special panel of the Defense Science Board to examine the requirements of the Navy established for the A-12 aircraft and to assess the inherent suitability of the current A-12 design and its projected execution for meeting the requirements of the Navy for medium-attack aircraft (including low observability) through the projected life of the system.

(c) NAVY REVIEW COMMITTEE.—The Secretary of the Navy shall establish an A-12 review committee to be independent of the A-12 program office. The review committee shall be chaired by the Inspector General of the Navy. The committee shall submit quarterly reports to the Secretary of the Navy and the Secretary of Defense on the cost, schedule, and performance status of the program (including technical performance and projected operating weight) until the A-12 aircraft completes its first deployment. Reports.

(d) REPORT.—The report required by subsection (a) shall include the following:

(1) A program cost estimate for the A-12 program as determined by the Department of Defense Cost Analysis Improvement Group (CAIG).

(2) An assessment of when flight testing of the A-12 aircraft will begin.

(3) A summary of the report of the panel established under subsection (b), together with such comments as the Secretary considers appropriate.

(4) Certification that the review committee required by subsection (c) has been established.

(5) The views of the Secretary on the appropriateness of fixed-price type contracts for full-scale development of the A-12 aircraft, including any views concerning possible renegotiation of any A-12 contracts with the prime contractors.

(6) Any other views or recommendations of the Secretary of Defense that the Secretary considers appropriate.

SEC. 152. V-22 AIRCRAFT PROGRAM

(a) FUNDING.—Of the funds authorized to be appropriated or otherwise made available for aircraft procurement for the Navy for fiscal year 1991, $165,000,000 shall be available for the V-22 aircraft program.

(b) LIMITATION.—Funds described in subsection (a) and the amount of $200,000,000 appropriated for the Navy for fiscal year 1989 for procurement of aircraft that remains available for obligation for the V-22 program may be used only for advance procurement of production representative V-22 aircraft, support equipment, and related activities, as required to conduct the operational tests approved by the Director of Operational Test and Evaluation (DOT&E) pursuant to section 138 of title 10, United States Code.

(c) STATUS AS MAJOR DEFENSE ACQUISITION PROGRAM.—The V-22 aircraft program shall be considered to be a major defense acquisition program within the meaning of section 2430 of title 10, United States Code, and shall be managed and reported accordingly.

SEC. 153. PROCUREMENT OF M1A1 MAIN BATTLE TANKS FOR THE MARINE CORPS

Of the funds appropriated for advanced procurement for the Marine Corps for fiscal year 1990, not more than $62,400,000 of any such funds that remain available for obligation shall be available for procurement of M1A1 main battle tanks.

SEC. 154. POLICY FOR SSN-21 SUBMARINE PROCUREMENT

The funds authorized to be appropriated by this Act for fiscal year 1991 for the SSN-21 nuclear attack submarine program are to be obligated in accordance with applicable law, policies, and regulations. This section may not be construed as expressing a preference for any particular method of contracting for the SSN-21 submarine authorized by this Act.

SEC. 155. MH-53 MINESWEEPER HELICOPTER

Of the amounts authorized to be appropriated pursuant to section 106 for reserve component equipment, $336,000,000 shall be available for procurement of MH-53 minesweeper helicopters for the Navy Reserve.

SEC. 156. AH-1W HELICOPTERS

(a) FISCAL YEAR 1990 FUNDS.—Of the amounts appropriated for National Guard and Reserve equipment for fiscal year 1990, $58,600,000 is authorized to be available for procurement of six AH-1W helicopters for the Marine Corps Reserve.

(b) Fiscal Year 1991 Funds.—Of the amounts authorized to be appropriated pursuant to section 106 for reserve component equipment, $79,000,000 shall be available for procurement of eight AH-1W helicopters for the Marine Corps Reserve.

SEC. 157. LABORATORY EQUIPMENT FOR NAVY INDUSTRIAL-FUNDED ACTIVITIES

Of the amount authorized to be appropriated pursuant to section 102 for other procurement for the Navy, $98,000,000 shall be available (as provided in the President's budget) for acquisition of laboratory equipment for Navy industrial-funded activities.

Part F—Nonstrategic Air Force Programs

SEC. 161. C-17 AIRCRAFT PROGRAM FUNDING AND LIMITATIONS FOR FISCAL YEAR 1991

(a)(1) Amount Authorized.—Of the amounts appropriated pursuant to section 103(1)—

(A) not more than $400,000,000 may be obligated for procurement of C-17 aircraft;

(B) not more than $60,000,000 may be obligated for advance procurement of C-17 aircraft;

(C) not more than $80,000,000 may be obligated for procurement of initial spare parts C-17 aircraft.

(2) Nothing in this provision shall preclude the obligation of additional funds for the C-17 aircraft program out of funds transferred under section 1401.

(b) Limitation.—The Secretary of the Air Force may not obligate any funds appropriated pursuant to section 103 for procurement of the C-17 aircraft (other than funds for advance procurement for fiscal year 1992) until the Secretary of Defense certifies to the congressional defense committees that a production C-17 aircraft has successfully completed it first flight.

SEC. 162. TACIT RAINBOW PROGRAM

Reports.

The Secretary of the Air Force may not obligate any funds to establish a second source for procurement of the TACIT Rainbow system until the Secretary submits to the congressional defense committees a report describing total program quantities to be procured and the cost effectiveness of proceeding with two sources of production.

SEC. 163. CHEMICAL-BIOLOGICAL COLLECTIVE PROTECTION SYSTEMS

(a) Termination of Procurement of Survivable Collective Protection System.—After the date of the enactment of this Act, no funds may be obligated for procurement of the Survivable Collective Protection System.

Reports.

(b) Limitation on Procurement of Transportable Collective Protection System.—None of the funds appropriated pursuant to this Act may be obligated for procurement of the Transportable Collective Protection System until the Secretary of Defense submits to the congressional defense committees a report setting forth—

(1) the overall requirements for the program;

(2) the rationale for the program in light of the chemical weapons arms control agreement between the United States and the Soviet Union and the efforts to achieve a multilateral ban on all chemical weapons;

(3) the anticipated distribution of assets to be procured under the program, shown by geographic region and by military forces; and

(4) total program costs.

(c) EXCEPTION FOR OPERATION DESERT SHIELD.—The limitation in subsection (b) shall not apply with respect to any procurement in connection with Operation Desert Shield.

SEC. 164. RE-ENGINING FOR CERTAIN RECONNAISSANCE AIRCRAFT

Of the funds appropriated pursuant to section 103, $54,600,000 shall be available for re-engining the TR-1 and U-2 reconnaissance aircraft.

PART G—CHEMICAL MUNITIONS

SEC. 171. ANNUAL REPORT ON SAFETY OF CHEMICAL WEAPONS STOCKPILE

(a) ADDITIONAL ITEMS FOR ANNUAL REPORT ON CHEMICAL WEAPONS DEMILITARIZATION PROGRAM.—Subsection (g)(3) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) an assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

"(i) an estimate on how much longer that stockpile can continue to be stored safely;

"(ii) a site-by-site assessment of the safety of those agents and munitions; and

"(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.".

(b) TECHNICAL AMENDMENTS.—Subsections (a)(1) and (h)(1) of such section are amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "November 8, 1985".

SEC. 172. FUNDING CLARIFICATION FOR CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM

Subsection (c) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended by adding at the end the following paragraph:

"(3) In order to carry out subparagraph (A) of paragraph (1), the Secretary may make grants to State and local governments (either directly or through the Federal Emergency Management Agency) to assist those governments in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.".

SEC. 173. CHEMICAL WEAPONS STOCKPILE SAFETY CONTINGENCY PLAN

50 USC 1511 note.

(a) DEVELOPMENT OF PLAN.—The Secretary of Defense shall develop a plan setting forth the steps the Department of Defense would take if the chemical weapons stockpile of the United States began an accelerated rate of deterioration (or experienced any other event which called into question its continued safe storage) before a comprehensive full-scale chemical weapons disposal capability is developed. The plan shall address—

(1) the schedule that would have to be followed to put the plan into effect;

(2) the level of funding that would be required to put the plan into effect;

(3) the equipment and other resources that would be required to put the plan into effect; and

(4) an assessment of how quickly the plan could be placed into effect in the event of an emergency.

(b) UPDATES.—The Secretary shall periodically update the plan developed pursuant to subsection (a) as needed.

(c) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a copy of the plan developed pursuant to subsection (a). The submission shall be made not later than 180 days after the date of the enactment of this Act.

PART H—OTHER PROGRAMS

SEC. 181. PROGRAM TERMINATIONS

(a) 155-MILLIMETER NUCLEAR PROJECTILE PROGRAM.—Funds appropriated for the Department of Defense for fiscal year 1991 or for any fiscal year thereafter may not be obligated for the W-82 155-millimeter nuclear projectile program.

(b) FOLLOW-ON TO LANCE PROGRAM.—Funds appropriated for the Department of Defense for fiscal year 1991 or any fiscal year thereafter may not be obligated for the Follow-on to Lance Program.

(c) STATUTORY CONSTRUCTION.—A provision of law enacted after the date of enactment of this Act may not be construed as modifying or superseding any provision of this section unless that provision specifically refers to this section and specifically states that such provision of law modifies or supersedes this section.

SEC. 182. ELECTRONIC WARFARE PROCUREMENT

(a) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to this Act may be obligated or expended for procurement for a program described in subsection (d) only at levels sufficient to sustain existing production capabilities at minimum essential levels. The limitation in the preceding sentence shall cease to apply with respect to any such program when a certification under subsection (b) with respect to that program is made.

(b) PRODUCTION DECISION.—A decision to proceed with production of a program described in subsection (d) at a rate beyond that permitted under subsection (a) may not be made within the Department of Defense until the Director of Operational Test and Evaluation of the Department of Defense certifies to the congressional defense committees—

(1) that the program has undergone thorough and effective operational testing; and

(2) that, on the basis of that testing, the Director has determined that the program meets or exceeds all operational criteria established for the program.

(c) MODERNIZATION PROGRAM.—The Under Secretary of Defense for Acquisition shall establish an affordable, cost-effective joint electronic warfare modernization program for the Navy and Air Force that eliminates redundancy among the programs described in subsection (d), maximizes commonality among those programs, and meets essential operational requirements. Such program shall be established not later than March 1, 1991.

(d) Covered Programs.—This section applies to the Airborne Self Protection Jammer (ASPJ), the ALQ-135 device, the ALQ-184 device, and a classified Air Force program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Part A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,732,749,000.

(2) For the Navy, $9,417,934,000.

(3) For the Air Force, $12,664,662,000.

(4) For the Defense Agencies, $8,280,558,000 of which—

(A) $251,619,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $15,000,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNTS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT

(a) Fiscal Year 1991.—Of the amounts appropriated pursuant to section 201, $3,770,233,000 shall be available for basic research and exploratory development projects.

(b) Basic Research and Exploratory Development Defined.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Part B—Program Requirements, Restrictions, and Limitations

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM

(a) Funding.—Of the amount authorized to be appropriated pursuant to section 201, $238,000,000 shall be available for research, development, test, and evaluation in connection with the V-22 aircraft program.

(b) Prohibition of Alternatives.—None of the funds appropriated pursuant to section 201 may be used for research, development, test, and evaluation for a replacement aircraft to perform the medium-lift mission other than the V-22 aircraft.

SEC. 212. ARMY SCOUT ATTACK HELICOPTER PROGRAM

The Secretary of the Army shall establish a technical demonstration program for a combat helicopter by restructuring the light helicopter program to produce prototypes of such a helicopter for evaluation before a decision is made to proceed with full-scale development.

SEC. 213. ADVANCED TACTICAL FIGHTER PROGRAM

(a) In General.—The Secretary of the Air Force shall complete the demonstration and validation phase and the design selection process for the Advanced Tactical Fighter for the Air Force.

(b) Prohibition on Full-Scale Development.—Funds appropriated or otherwise made available pursuant to this or any other Act for the Air Force for fiscal year 1991, or a prior fiscal year, may not be obligated for full-scale development activities in connection with the Advanced Tactical Fighter of the Air Force.

SEC. 214. ARMORED GUN SYSTEM

The Secretary of the Army shall prescribe an acquisition plan for the procurement of an armored gun system. The plan shall provide—

(1) for acquisition of an armored gun system which is a nondevelopmental item; and

(2) for fielding of such system to the first unit during fiscal year 1995 if there is an approved program start for such system by the Office of the Secretary of Defense during fiscal year 1991.

SEC. 215. FLEET ELECTRONIC WARFARE SUPPORT GROUP

(a) Retirement of Current Aircraft.—The Secretary of the Navy shall retire the ERA-3B aircraft currently assigned to the Fleet Electronic Warfare Support Group not later than September 30, 1993.

(b) Acquisition of Replacement Aircraft.—The Secretary of the Navy shall initiate a competition to acquire a replacement aircraft for the Fleet Electronic Warfare Support Group within 60 days after the date of the enactment of this Act. The Secretary shall acquire such aircraft by direct procurement or by lease entered into under section 328 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1957).

SEC. 216. VANDENBERG AIR FORCE BASE TITAN IV LAUNCH FACILITY

Funds appropriated for the Air Force for fiscal year 1991 may be obligated for an additional Titan IV launch facility only if the funds are used to convert the existing Space Launch Complex Six facility at Vandenberg Air Force Base, California, for use as a Titan IV launch facility.

SEC. 217. ADVANCED COMMUNICATIONS SATELLITE RELAY SYSTEM

(a) System Requirements.—The Secretary of Defense shall develop and carry out a plan for a system other than, and in the place of, the currently planned MILSTAR communications satellite system to meet requirements for an advanced communications satellite relay system. The system to be developed and carried out shall either be a restructured MILSTAR program or an alternative advanced communications satellite relay system and shall be developed with the objectives of—

(1) substantially reducing the cost of the program compared to the present cost of the MILSTAR program as currently planned;

(2) increasing the utility of the program for tactical forces; and

(3) eliminating unnecessary capabilities for protracted nuclear warfighting missions and operations.

(b) Report.—Not later than April 1, 1991, the Secretary of Defense shall submit to the congressional defense committees a report on the system planned under subsection (a), as provided in the classified and unclassified joint statement of managers accompanying the conference report on H.R. 4739 of the One Hundred First Congress.

(c) FUNDING LIMITATION.—Except as provided in subsection (d), of the funds appropriated to the Department of Defense for fiscal year 1991, not more than a total of $600,000,000 may be obligated or expended for the following:

(1) The MILSTAR program.

(2) The restructured MILSTAR program or the proposed alternative system required under subsection (a), whichever is developed.

(d) TRANSFER AUTHORITY.—(1) The Secretary of Defense may transfer to the MILSTAR program (including the restructured MILSTAR program or the alternative system) amounts of authoriza- applicable reprogramming procedures. The amount of the limitation in subsection (c) shall be increased by any amount so transferred.

(2) The authority to transfer funds under this section is not in addition to the transfer authority provided in section 1401.

(3) The Secretary shall promptly notify the congressional defense committees of any transfer proposed to be made under this subsection.

(e) TRANSFERS WITHIN THE MILSTAR PROGRAM.—(1) Subject to the limitation in subsection (c), the Secretary of Defense may transfer amounts of authorizations made available for the restructured MILSTAR program or the alternative system between title I and title II for use for the restructured MILSTAR program or the alternative system.

(2) The authority to transfer funds under this section is not in addition to the transfer authority provided in section 1401.

(3) The Secretary shall promptly notify the congressional defense committees of any transfer made under this subsection.

(f) INAPPLICABILITY OF SECTION.—This section does not apply—

(1) to the extremely high frequency communications package for the ultra high frequency follow-on satellite program; or

(2) to the extremely high frequency terminal programs of the Navy.

SEC. 218. PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1991 unless such testing is specifically authorized by law.

PART C—STRATEGIC DEFENSE INITIATIVE

SEC. 221. STRATEGIC DEFENSE INITIATIVE PROGRAM STRUCTURE AND LIMITATIONS ON SPENDING

10 USC 2431 note.

(a) PROGRAM ELEMENTS.—(1) The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(A) Phase I Defenses.

(B) Limited Protection Systems.

(C) Theater and ATBM Defenses.

(D) Follow-On Systems.

(E) Research and Support Activities.

(2) The program elements in paragraph (1) shall be the only program elements used in the program and budget information concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1991.

(b) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) PHASE I DEFENSES.—The Phase I Defenses program element shall include programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for a strategic defense system capable of providing low to moderate defensive capabilities against a large-scale ballistic missile attack against the United States. Such activities may include those necessary to develop systems, components, and architectures capable of providing an early deployment option against limited attacks, including accidental, unauthorized, or deliberate launch of a small number of ballistic missiles.

(2) LIMITED PROTECTION SYSTEMS.—The Limited Protection Systems program element shall include programs, projects, and activities which have as a primary objective the development of systems and components which, if deployed as a limited defense, would not be in violation of the 1972 ABM Treaty. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current numerical limitations of the 1972 ABM Treaty and modest changes to those numerical limitations.

(3) THEATER AND ATBM DEFENSES.—The Theater and ATBM Defenses program element shall include programs, projects, and activities which have as a primary objective—

(A) the development of deployable and rapidly relocatable anti-tactical ballistic missile (ATBM) defenses for forward deployed and expeditionary United States armed forces, and

(B) cooperation with friendly and allied nations in the development of theater defenses against tactical ballistic missiles.

(4) FOLLOW-ON SYSTEMS.—The Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for deployment after the beginning of the twenty-first century.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as a primary objective—

(A) the provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements in paragraphs (1) through (4);

(B) innovative science and technology projects;

(C) the provision of test and evaluation services; and

(D) program management.

(c) FUNDING LIMITATIONS.—(1) Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1991, not more than $2,890,000,000 may be obligated for the Strategic Defense Initiative.

(2) Of the amount described in paragraph (1)—

(A) not more than $817,300,000 shall be available for programs, projects, and activities within the Phase I Defenses program element;

(B) not more than $389,000,000 shall be available for programs, projects, and activities within the Limited Protection Systems program element;

(C) not more than $180,000,000 shall be available for programs, projects, and activities within the Theater and ATBM Defenses program element;

(D) not more than $754,300,000 shall be available for programs, projects, and activities within the Follow-On Systems program element; and

(E) not more than $749,400,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) Funds may be obligated for programs, projects, and activities which have as their primary purpose the support of the Brilliant Pebbles space-based interceptor system only through programs, projects, and activities within the Phase I Defenses program element.

Reports.

(4) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1991. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(5)(A) Before the submission of the report required under paragraph (4) and notwithstanding the limitations in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not result in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(d) DEFINITION.—In this section, the term "1972 ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

SEC. 222. LIMITATION ON DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS

(a) USE OF FUNDS.—(1) Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before 1991, shall be subject to the limitations prescribed in paragraph (2).

(2) Funds described in paragraph (1) may not be obligated or expended—

(A) for the development or testing of any antiballistic missile system or component, except for development and testing consistent with the development and testing described in the May 1990 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the May 1990 SDIO Report.

(3) The limitations in paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1991 if the transfer is made in accordance with section 1501 of this Act.

(b) Definition.—As used in this section, the term "May 1990 SDIO Report" means the report entitled "1990 Report to Congress on the Strategic Defense Initiative", dated May 1990, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense on June 7, 1990, pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431 note).

SEC. 223. PROHIBITION ON OPERATIONAL TEST AND EVALUATION OF STRATEGIC DEFENSE SYSTEMS

(a) Prohibition.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before fiscal year 1991, may not be obligated for any operational test and evaluation activity in support of—

(1) a strategic defense system; or

(2) a program, project, or activity of the Strategic Defense Initiative.

(b) Rule of Construction.—Notwithstanding subsection (a), the Strategic Defense Initiative Organization may engage in planning activities (including studies, design activities, and computer simulations) related to testing of Strategic Defense Initiative systems or elements.

SEC. 224. BOOST SURVEILLANCE AND TRACKING SYSTEM

(a) Prohibition on Full-Scale Development.—None of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1991 for research, development, test, and evaluation may be obligated for full-scale development of the Boost Surveillance and Tracking System (BSTS).

(b) Transfer of BSTS System to Air Force.—The Secretary of Defense shall transfer immediately responsibility for the direction, management, and funding for the development and procurement of the Boost Surveillance and Tracking System from the Strategic Defense Initiative Organization to the Secretary of the Air Force.

SEC. 225. THEATER MISSILE DEFENSE PROGRAMS

(a) Sense of Congress.—It is the sense of Congress that—

(1) The proliferation of ballistic missiles and chemical and nuclear weapons technology applicable to missile warhead development is potentially destabilizing, is a threat to United States forces, and poses a significant threat to the national security of friends and allies of the United States around the world.

(2) Of the funds authorized for the Strategic Defense Initiative (SDI) for fiscal year 1991, $198,000,000 should be made available for the development of anti-tactical ballistic missiles (ATBM) systems to counter such threats. In this regard, development of systems such as the Extended Range Interceptor and the Theater High Altitude Air Defense should be accelerated.

(3) The SDI organization should ensure that the Navy and Marine Corps are involved in developmental programs for future ATBM systems suitable for deployment with their projection and expeditionary forces.

(4) The Secretary of the Army should establish a vigorous program to develop and test a rapidly deployable ATBM capability for United States military forces with the near-term focus of that development and test effort on the Patriot II system.

(5) Congress endorses a continuing program of cooperative research and development, jointly funded by the United States and the government of Israel, on the Arrow Tactical Anti-Missile program with a view to proving out (through such cooperative research and development) the feasibility and practicality of the system.

(b) DIRECTION ON ATBM TECHNOLOGY PROGRAMS.—

(1) ARROW TACTICAL ANTI-MISSILE PROGRAM.—(A) Subject to subparagraph (B), the Secretary of Defense may obligate, from funds made available for fiscal year 1991 for the Strategic Defense Initiative, up to $42,000,000 for the purpose of initiating the Tactical Demonstration Program (constituting Phase II of research and development work on the Arrow program).

(B) Funds may not be obligated for the purpose described in subparagraph (A) until the United States and the government of Israel enter into a memorandum of agreement governing the conduct and funding of the Technical Demonstration Program. Israel.

(2) PATRIOT II ATBM DEVELOPMENT PROGRAM.—(A) The Secretary of the Army may obligate from funds made available for fiscal year 1991 for Research, Development, Test, and Evaluation for the Army up to $50,000,000 to conduct additional tests of the Patriot II system against existing types of ballistic missile threats. The authority under the preceding sentence is in addition to any other authority provided in this Act regarding the Patriot II system.

(B) From within the funds referred to in subparagraph (A), the Army may obligate part of such funds for the development of support systems (such as tracking and attack assessment radars) for existing and future ATBM systems.

PART D—STRATEGIC PROGRAMS

SEC. 231. FUNDING AND SENSE OF CONGRESS FOR ICBM MODERNIZATION PROGRAM

(a) PROGRAM FUNDING.—Of the amount appropriated for the Department of Defense for fiscal year 1991, not more than $687,671,000 shall be available for the intercontinental ballistic missile (ICBM) modernization program, of which not more than $680,208,000 shall be available for the rail garrison MX (RGMX) program and the small ICBM (SICBM) program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) research and development of the RGMX and SICBM is a prudent and necessary hedge (A) against the robust Soviet strategic nuclear modernization program and, in particular, Soviet rail- and road-mobile ICBM programs, (B) against possible future threats to the invulnerability of the sea-based leg of the strategic Triad, and (C) to help ensure the continued stability of the strategic balance as the United States negotiates reductions in its strategic forces under the prospective Strategic Arms Reduction Talks (START) agreement and the planned follow-on negotiations for further reductions;

(2) the two-missile mobile ICBM modernization program has failed to achieve the political consensus necessary for deployment of both systems;

(3) as long as peaceful trends continue in the Soviet Union, the defense budget of the United States is likely to continue to decline in the future, making the deployment of both the RGMX system and the SICBM system unaffordable;

(4) at a minimum the United States should continue to develop the SICBM system for deployment in silos to meet future United States ICBM modernization requirements and arms control objectives, while preserving a realistic option for subsequent mobile basing should future strategic or arms control developments so require; and

(5) any funds obligated or expended for the RGMX system should be used only to conduct critical activities needed to complete research, development, test, and evaluation and maintain the key technologies for that system on a stand-by or "moth ball" status.

SEC. 232. DEPRESSED TRAJECTORY BALLISTIC MISSILES AND OTHER SHORT-TIME-OF-FLIGHT BALLISTIC MISSILES

Soviet Union.

Congress commends the President for proposing to the Soviet Union that the United States and the Soviet Union observe an interim mutual restraint on the flight testing of depressed trajectory and other short-time-of-flight ballistic missiles and expresses disappointment that the Soviet Union has not agreed to this proposal. Congress urges the President to continue to pursue such interim restraint and to further explore the possibility of a permanent agreement banning flight tests of such missiles.

PART E—OTHER MATTERS

SEC. 241. BIOLOGICAL DEFENSE RESEARCH PROGRAM

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2369 the following new section

"§ 2370. Biological Defense Research Program

"(a) Annual Report.—The Secretary of Defense shall submit to Congress an annual report on research, development, test, and evaluation conducted by the Department of Defense during the preceding fiscal year for the purposes of biological defense. The report shall be submitted in both classified and unclassified form and shall be submitted each year in conjunction with the submission of the budget to Congress for the next fiscal year.

"(b) Contents of Report.—Each report under this section shall provide the following information:

"(1) A description of each biological or infectious agent or toxin that was used in, or that was the subject of, research, development, test, and evaluation conducted for the purposes of biological defense during the fiscal year covered by the report and not previously listed in publications of the Centers for Disease Control (CDC).

"(2) A description of the biological properties of each such agent.

"(3) A statement of the location of each biological defense research facility and the amount spent by the Department of Defense during the fiscal year covered by the report at each such facility for research, development, test, and evaluation for biological defense research.

"(4) A statement of the biosafety level used at each such facility in conducting that research, development, test, and evaluation.

"(5) A statement that documentation of annual coordination with local health, fire, and police officials for the provision of emergency support services has been included in the facility safety plan for each biological defense research facility.

"(c) Types of Research Covered.—This section applies to all research, development, test, and evaluation activities conducted by the Department of Defense for the purpose of biological defense.

"(d) Definitions.—In this section:

"(1) The term 'biosafety level' means the applicable biosafety level described in the publication entitled 'Biosafety in Microbiological and Biomedical Laboratories' (CDC-NIH, 1984).

"(2) The term 'biological defense research facility' means a location at which research, development, test, and evaluation for purposes of biological defense involving any biological or infectious agent or toxin (whether or not listed in a CDC publication) is conducted.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2369 the following new item:

"2370. Biological Defense Research Program.".

SEC. 242. FUNDING FOR FACILITY FOR COLLABORATIVE RESEARCH AND TRAINING FOR MILITARY MEDICAL PERSONNEL

(a) Funding.—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1991, $18,000,000 shall be available, subject to subsection (b)(3), to the Secretary of Defense as a contribution toward the construction of a facility as part of a complex to enable collaborative research and training for Department of Defense military medical personnel in the following fields:

(1) Trauma care.
(2) Head, neck, and spinal injury.
(3) Paralysis.
(4) Neurosciences and neurodegenerative diseases.

(b) **Requirements.**—(1) Such a contribution may be made only for a facility that will—

(A) support education, training, treatment, and rehabilitative services related to the fields described in subsection (a); and

(B) support neuroscience research with relevance for the medical mission of the Department of Defense.

(2) Such a contribution may be made only for a facility to be located at an institutional setting that—

(A) has received national recognition for its work in the fields listed in subsection (a); and

(B) can best facilitate interagency collaborative research, education, and training activities.

(3) The amount of a contribution under subsection (a) may not exceed 33 percent of the total cost of such complex.

SEC. 243. GRANT FOR AN INSTITUTE FOR ADVANCED SCIENCE AND TECHNOLOGY

(a) **Authority To Make Grant.**—Of the amount authorized to be appropriated pursuant to section 201 for the Defense Agencies, $10,000,000 shall be available for a grant to be awarded through the use of competitive procedures to an institution of higher education to establish an institute for advanced science and technology.

(b) **Qualifications.**—The Secretary of Defense shall select an institution for award of a grant under subsection (a) based upon demonstrated competence of the institution's faculty. The institution selected for the grant must—

(1) be a nationally recognized center conducting artificial intelligence research and education in the areas of natural language and speech processing and task oriented computer animation;

(2) be carrying out research on electronically and ionically conducted organic polymers; and

(3) have demonstrated competence in research and education in nonlinear optics and visual analysis.

(c) **Cost-Sharing Requirement.**—The grant shall be available for initial construction of a facility, the Federal share of which may not exceed 50 percent of the total cost.

(d) **Purpose of Grants.**— The grant shall be designed to support development of critical technologies as identified by the Department of Defense in its Critical Technologies Plan as required by Public Law 100-456.

SEC. 244. SUPPORT FOR ADVANCED RESEARCH PROJECTS

Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available for the support (through the Defense Advanced Research Projects Agency) of advanced precompetitive research provided for in cooperative agreements and other transactions authorized by section 2371 of title 10, United States Code.

SEC. 245. COMPETITION IN CONTRACTING FOR COMPUTERS AND SOFTWARE

(a) **Congressional Concerns Regarding Defense Computer Procurement.**—The Congress notes the concern regarding the manner in which solicitations are performed for computer procurement for components of the Department of Defense.

(b) **GAO Review.**—The Comptroller General of the United States shall conduct a review of a selected number of planned and recently completed computer procurements for components of the Department of Defense to determine if those solicitations provide any barriers to full and open competition for United States computer suppliers. The procurements reviewed shall include the Air Force procurement for Tactical Air Force Workstations under solicitation F19630-90-R-0014 and the Army procurement for Light Weight Computer Unit under solicitation DAAB07-90-R-L100.

(c) **Matters To Be Included in Review.**—The review shall determine in the case of each solicitation reviewed—

(1) whether unnecessary or non-germane specifications, evaluation factors, unwarranted performance requirements, packaging requirements, or other limiting bias factors are present;

(2) whether the solicitation contains restrictive requirements in excess of minimum Government needs;

(3) whether Government developed applications software is favored over commercial "off the shelf" software solutions and the sufficiency of the rationale to support Government development;

(4) the need for components of the Department of Defense to agree upon a standard prescribed architecture and operating system; and

(5) the cost effectiveness of computer procurements based on the realism of specifications as compared to intended use.

Statements regarding the degree of assessment supporting the specification development and rigidity as they limit or tend to limit offerers or contract awards are to be included.

(d) **Report to Congress.**—The Comptroller General shall complete the study and submit a report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives not later than three months after the date of the enactment of this Act.

SEC. 246. ADVISORY COMMISSION ON CONSOLIDATION AND CONVERSION OF DEFENSE RESEARCH AND DEVELOPMENT LABORATORIES

(a) **Establishment.**—There is established a commission to be known as the "Commission on the Consolidation and Conversion of Defense Research and Development Laboratories" (hereinafter in this section referred to as the "Commission").

(b) **Duties.**—(1) The Commission shall conduct a study to determine the feasibility and desirability of various means to improve the operation of laboratories of the Department of Defense.

(2) In conducting the study described in this subsection, the Commission shall—

(A) consider such means as—

(i) conversion of some or all such laboratories to Government-owned, contractor-operated laboratories;

(ii) modification of the missions and functions of some or all such laboratories; and

(iii) consolidation or closure of some or all such laboratories; and

(B) determine—

(i) the short-term costs and long-term cost savings that are likely to result from such consolidation, closure, or conversion; and

(ii) a proposed schedule for each consolidation, closure, or conversion of a laboratory considered appropriate by the Commission.

(c) COMPOSITION.—(1) The Commission shall be composed of 13 members as follows:

(A) The Director of Defense Research and Engineering who shall be the chairman of the Commission.

(B) Six members appointed by the Secretary of Defense from among officers and employees of the Federal Government, including at least one director of a research and development laboratory of each military department.

(C) Six members appointed by the Secretary from among persons in the private sector.

(2) The Secretary of Defense shall make all appointments under subparagraphs (B) and (C) of paragraph (1) within 60 days after the date of the enactment of this Act.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS; QUORUM.—(1) The Commission shall convene its first meeting within 15 days after the first date on which all members of the Commission have been appointed. Thereafter, the Commission shall meet at the discretion of its Chairman or at the call of a majority of its members.

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) REPORT TO SECRETARY.—Not later than September 30, 1991, the Commission shall submit to the Secretary a report containing the Commission's recommendations regarding the matters considered and determined by the Commission pursuant to subsection (b).

(g) **Report by Secretary.**—Not later than 30 days after the date of the submission of the report pursuant to subsection (f), the Secretary shall transmit such report to each House of the Congress, together with any comments that the Secretary considers appropriate.

(h) **Termination.**—The Commission shall terminate 90 days after the date on which the Commission submits its report to the Secretary pursuant to subsection (g).

SEC. 247. NATIONAL DEFENSE SCIENCE AND ENGINEERING EDUCATION

(a) **In General.**—(1) Chapter 111 of title 10, United States Code, is amended by adding at the end the following:

"§ 2192. Science, mathematics, and engineering education

"(a) The Secretary of Defense, in consultation with the Secretary of Education, shall, on a continuing basis—

"(1) identify actions which the Department of Defense may take to improve education in the scientific, mathematics, and engineering skills necessary to meet the long-term national defense needs of the United States for personnel proficient in such skills; and

"(2) establish and conduct programs to carry out such actions.

"(b) The Secretary shall designate an individual within the Office of the Secretary of Defense to advise and assist the Secretary regarding matters relating to science, mathematics, and engineering education and training.

"§ 2193. Science and mathematics education improvement program

Grant programs.

"(a)(1) The Secretary of Defense may, in accordance with the provisions of this subsection, carry out a program for awarding grants to students who have been accepted for enrollment in, or who are enrolled in, an institution of higher education as undergraduate or graduate students in scientific and engineering disciplines critical to the national security functions of the Department of Defense.

"(2) Grant proceeds shall be disbursed on behalf of students awarded grants under this subsection to the institutions of higher education at which the students are enrolled. No grant proceeds shall be disbursed on behalf of a student until the student is enrolled at an institution of higher education.

"(3) The amount of a grant awarded a student under this subsection may not exceed the student's cost of attendance.

"(4) The amount of a grant awarded a student under this subsection shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for those other forms of Federal student financial assistance.

"(5) The Secretary shall give priority to awarding grants under this subsection in a manner likely to stimulate the interest of women and members of minority groups in pursuing scientific and engineering careers. The Secretary may consider the financial need of applicants in making awards in accordance with such priority.

"(b) The Secretary of Defense, in coordination with the Secretary of Education, may establish programs for the purpose of improving the mathematics and scientific knowledge and skills of elementary and secondary school students and faculty members.

"(c) In this section:

"(1) The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(2) The term 'cost of attendance' has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

Government contracts.

"§ 2194. Education partnerships

"(a) The Secretary of Defense shall authorize the director of each defense laboratory to enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education. The educational institutions referred to in the preceding sentence are local education agencies, colleges, universities, and any other nonprofit institutions that are dedicated to improving science, mathematics, and engineering education.

"(b) Under a partnership agreement entered into with an educational institution under this section, the director of a defense laboratory may provide assistance to the educational institution by—

"(1) loaning defense laboratory equipment to the institution;

"(2) transferring to the institution defense laboratory equipment determined by the director to be surplus;

"(3) making laboratory personnel available to teach science courses or to assist in the development of science courses and materials for the institution;

"(4) involving faculty and students of the institution in defense laboratory research projects;

"(5) cooperating with the institution in developing a program under which students may be given academic credit for work on defense laboratory research projects; and

"(6) providing academic and career advice and assistance to students of the institution.

Minority groups.

"(c) The Secretary of Defense shall ensure that the director of each defense laboratory shall give a priority under this section to entering into an education partnership agreement with one or more historically Black colleges and universities and other minority institutions referred to in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)).

Women. Minority groups.

"(d) The Secretary of Defense shall ensure that, in entering into education partnership agreements under this section, the director of a defense laboratory gives a priority to providing assistance to educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the engineering and science professions in disproportionately low numbers.

"(e) In this section, the term 'local education agency' has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"§ 2195. Department of Defense cooperative education programs

"(a) The Secretary of Defense shall ensure that the director of each defense laboratory establishes, in association with one or more public or private colleges or universities in the United States or one or more consortia of colleges or universities in the United States, cooperative work-education programs for undergraduate and graduate students.

"(b) Under a cooperative work-education program established under subsection (a), a director referred to in that subsection may, without regard to any applicable non-statutory limitation on the number of authorized personnel or on the aggregate amount of any personnel cost—

"(1) make an offer for participation in the cooperative work-education program directly to a student and appoint such student to an entry-level position of employment in the laboratory of such director;

"(2) pay such person a rate of basic pay, not to exceed the maximum rate of pay provided for grade GS-9 under the General Schedule under section 5332 of title 5, that is competitive with compensation levels provided for entry-level positions in similar industry-sponsored cooperative work-education programs;

"(3) pay all travel expenses between the college or university in which the student is enrolled and the laboratory concerned for not more than six round trips per year; and

"(4) pay all or part of such fees, charges, and costs related to the participation of such student in the cooperative work-education program as tuition, matriculation fees, charges for library and laboratory services, materials, and supplies, and the purchase or rental price of books.

"(c) A director of a defense laboratory may—

"(1) require a student, as a condition for receiving payments referred to in subsection (b)(4), to enter into a written agreement to continue employment in such defense laboratory for a period of service specified in the agreement; or

"(2) make such payments without requiring such an agreement.

"§ 2196. Definition

"In this chapter, 'defense laboratory' means a laboratory operated by the Department of Defense or owned by the Department of Defense and operated by a contractor or a facility of a Defense Agency at which research and development activities are conducted.".

(2)(A) The heading of chapter 111 of such title is amended to read as follows:

"CHAPTER 111—SUPPORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION".

(B) The tables of chapters at the beginning of subtitle A of such title and at the beginning of part III of such subtitle are each amended by striking out the item relating to chapter 111 and inserting in lieu thereof the following:

"111. Support of Science, Mathematics, and Engineering Education .... 2191".

(C) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2192. Science, mathematics, and engineering education.
"2193. Science and mathematics education improvement program.
"2194. Education partnerships.

"2195. Department of Defense cooperative education programs.
"2196. Definition.".

(b) **Recommendations of the Secretary of Defense**
Director of the Office of Science and Technology Polic
later than 180 days after the date of the enactment of this A
Secretary of Defense shall transmit to the Director of the O
Science and Technology Policy the Secretary's determi
regarding measures initially identified pursuant to section 21
of title 10, United States Code (as added by subsection (a)), as
which the Department of Defense may take to improve educa
the scientific, mathematics, and engineering skills necessary
the long-term national defense needs of the United Sta
personnel proficient in those skills.

SEC. 248. ESTABLISHMENT OF DEPARTMENT OF DEFENSE TECHN OFFICE IN JAPAN

(a) **In General.**—The Secretary of Defense shall establ
office of the Department of Defense in Japan to investigate,
ate, and facilitate opportunities for cooperation between the
States and Japan for the development of technologies of inte
the Department of Defense.

(b) **Deadline.**—The Secretary of Defense shall establis
office no later than September 30, 1991.

SEC. 249. GRANT FOR STUDY AND ANALYSIS OF THE SOVIET UNI CERTAIN OTHER COUNTRIES

Of the amounts authorized to be appropriated pursuant to
201, $600,000 shall be available for making a grant to one o
qualified nonprofit organizations for the support of resear
analyses by emigrants from the Soviet Union, the count
Eastern Europe (including Albania), and Cuba regarding p
economic, social, and other developments in those countries.

TITLE III—OPERATION AND MAINTENANCE

Part A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING

(a) **Authorization of Appropriations.**—Funds are here
thorized to be appropriated for fiscal year 1991 for the use
Armed Forces and other activities and agencies of the Depa
of Defense for expenses, not otherwise provided for, for op
and maintenance in amounts as follows:

(1) For the Army, $21,899,881,000.
(2) For the Navy, $23,165,935,000.
(3) For the Marine Corps, $1,892,200,000.
(4) For the Air Force, $20,624,110,000.
(5) For the Defense Agencies, $8,317,421,000.
(6) For the Army Reserve, $909,100,000.
(7) For the Naval Reserve, $998,000,000.
(8) For the Marine Corps Reserve, $84,800,000.
(9) For the Air Force Reserve, $1,065,900,000.
(10) For the Army National Guard, $1,980,400,000.
(11) For the Air National Guard, $2,247,200,000.
(12) For the National Board for the Promotion of Rifl
tice, $4,000,000.
(13) For the Defense Inspector General, $98,519,000.

(14) For Drug Interdiction and Counter-drug Activities, Defense, $1,084,100,000.

(15) For the Court of Military Appeals, $5,400,000.

(16) For Environmental Restoration, Defense, $1,062,527,000.

(17) For Humanitarian Assistance, $13,000,000.

(b) SPECIAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1991, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as a result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. WORKING CAPITAL FUNDS

Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

(1) For the Army Stock Fund, $302,500,000.

(2) For the Air Force Stock Fund, $887,900,000.

(3) For the Army Industrial Fund, $151,100,000.

(4) For the Navy Industrial Fund, $238,700,000.

(5) For the Defense Industrial Fund, $4,000,000.

SEC. 303. HUMANITARIAN ASSISTANCE

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(a)(17) for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(2) Of the funds authorized to be appropriated for fiscal year 1991 pursuant to such section for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian nonCommunist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such section for fiscal year 1991 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such section for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1991; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(E) Section 304 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1409).

(5) Section 304(f)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1409) is amended by striking out subsection (f).

SEC. 304. ASSISTANCE TO THE 1990 WINTER WORLD SERIES TORCH RUN AND THE 1991 FREESTYLE WORLD CHAMPIONSHIPS

Of the amounts authorized to be available to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, $100,000 may be used by the Secretary of Defense to provide medical and ambulance support for—

(1) the Winter World Series Torch Run to be held in the State of New York between November 1, 1990, and December 7, 1990;

(2) the Freestyle World Championships to be held at the Olympic Center in Lake Placid, New York, between February 10, 1991, and March 3, 1991.

SEC. 305. EXTENDED COLD WEATHER CLOTHING SYSTEMS

Of the amount authorized to be appropriated under section 301(a)(1) for operation and maintenance for the Army for fiscal year 1991, $39,951,000 may be used for the acquisition of clothing under the Extended Cold Weather Clothing System.

PART B—LIMITATIONS

SEC. 311. LIMITATION ON OBLIGATIONS AGAINST STOCK FUNDS

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the stock funds of the Department of Defense during fiscal year 1991 in excess of 80 percent of the sales from such stock funds during that fiscal year.

(2) For purposes of determining the amount of obligations against, and sales from, the stock funds during fiscal year 1991, the Secretary shall exclude obligations and sales for fuel and subsistence items.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation contained in subsection (a) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

SEC. 312. PROHIBITION ON MANAGEMENT OF CIVILIAN PERSONNEL BY END STRENGTHS DURING FISCAL YEAR 1991

(a) MANAGEMENT BY END STRENGTH.—Notwithstanding section 129(a)(3) of title 10, United States Code, the civilian personnel of the Department of Defense may not be managed during fiscal year 1991 on the basis of any constraint or limitation (known as an "end-strength") on the number of such personnel who may be employed on the last day of such fiscal year or any constraint or limitation carried out through the measurement of full-time equivalent employees or other related methodology.

(b) WAIVER OF CIVILIAN PERSONNEL AUTHORIZATIONS.—Subsections (a)(4) and (b)(4) of section 115 of title 10, United States Code (as amended by section 1483(a)), shall not apply with respect to fiscal year 1991 or with respect to the appropriation of funds for that fiscal year.

PART C—CHANGES TO EXISTING LAW

SEC. 321. COMMISSARY AND OTHER PRIVILEGES FOR CERTAIN MEMBERS OF A RESERVE COMPONENT AND CERTAIN OTHER PERSONS

(a) USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.—(1) Subsection (a) of section 1063 of title 10, United States Code, is amended to read as follows:

"(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—A member of the Ready Reserve who performs active duty for training (or annual training without compensation equivalent to active duty for training) shall accrue eligibility to use commissary stores of the Department of Defense for each day of that training. The Secretary concerned shall authorize the member to have one day of eligibility for using commissary stores, up to 12 days each calendar year, for the performance of that duty.".

10 USC 1063 note.

(2) Section 1063(a) of title 10, United States Code (as amended by subsection (a)), shall apply with respect to active duty for training or

annual training performed by a member of the Ready Reserve after the date of the enactment of this Act.

(b) USE OF COMMISSARY STORES BY CERTAIN OTHER PERSONS.—Chapter 54 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1064. Use of commissary stores by certain members and former members

"Under regulations prescribed by the Secretary of Defense, a person who would be eligible for retired pay under chapter 67 of this title but for the fact that the person is under 60 years of age shall be authorized to use commissary stores of the Department of Defense for 12 days each calendar year.".

(c) USE OF MORALE, WELFARE, AND RECREATION FACILITIES.—Chapter 54 of title 10, United States Code, is further amended by adding after section 1064, as added by subsection (b), the following new section:

"§ 1065. Use of certain morale, welfare, and recreation facilities by members of reserve components and dependents

"(a) UNRESTRICTED USE REQUIRED.—Members of the Selected Reserve in good standing (as determined by the Secretary concerned) and members who would be eligible for retired pay under chapter 67 of this title but for the fact that the member is under 60 years of age, and the dependents of such members, shall be permitted to use the exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces. Such use shall be permitted on the same basis as members on active duty.

"(b) ELIGIBILITY TO USE AUTHORIZED.—Subject to such regulations as the Secretary of Defense may prescribe, members of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use the facilities referred to in subsection (a) on the same basis as members serving on active duty.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1064. Use of commissary stores by certain members and former members.
"1065. Use of certain morale, welfare, and recreation facilities by members of reserve components and dependents.".

10 USC 1064 note.

(e) EFFECTIVE DATE AND DEADLINE FOR REGULATIONS.—(1) The amendments made by subsections (b) and (c) shall take effect 120 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall prescribe such regulations as may be necessary for the proper administration of sections 1064 and 1065 of title 10, United States Code, as added by this section, not later than 90 days after the date of the enactment of this Act.

SEC. 322. GUIDELINES FOR FUTURE REDUCTIONS OF CIVILIAN EMPLOYEES OF INDUSTRIAL-TYPE OR COMMERCIAL-TYPE ACTIVITIES

(a) GUIDELINES REQUIRED.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1597. Employees of industrial-type or commercial-type activities: guidelines for future reductions

"(a) ESTABLISHMENT OF GUIDELINES.—The Secretary of Defense shall establish guidelines for reductions in the number of civilian employees of the Department of Defense who are employed by industrial-type activities or commercial-type activities described in section 2208 of this title. These guidelines shall include procedures for reviewing civilian positions for reductions in those activities according to the following order:

"(1) Positions filled by foreign national employees overseas.

"(2) All other positions filled by civilian employees overseas.

"(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

"(4) Direct operating or production positions in the United States.

"(b) MASTER PLAN.—(1) Each agency or component of the Department of Defense that employs persons referred to in subsection (a) shall include in the materials submitted by the Secretary of Defense to Congress in support of the budget request for the Department of Defense for fiscal year 1992 a five-year civilian personnel master plan that includes the following:

"(A) Demographic information on each activity, including number and type (overhead, administrative, or direct labor) of personnel in the activity.

"(B) Current and projected workload and manpower requirements for each activity.

"(2) Each agency or component of the Department of Defense that employs persons referred to in subsection (a) and whose budget request for a fiscal year would require a furlough for, or an involuntary reduction in, such employees shall include in the materials submitted by the Secretary of Defense to Congress in support of the budget request for the Department of Defense for that fiscal year a five-year civilian personnel master plan that contains the following:

"(A) The information required under paragraph (1).

"(B) A listing of all activities within the component or agency planning the furlough or involuntary reduction.

"(C) An examination of the effect of such furlough or involuntary reduction on workload requirements.

"(D) A summary of the factors used by management to determine the size and location of the proposed furlough or involuntary reduction.

"(c) EXCEPTION.—The Secretary of Defense may permit deviations from the guidelines established under subsection (a) or a master plan prepared under subsection (b) if the Secretary determines that such deviation is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such deviation and the reasons for such deviation.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1597. Employees of industrial-type or commercial-type activities: guidelines for future reductions.".

10 USC 1597 note.

(b) INVOLUNTARY REDUCTIONS OF CIVILIAN PERSONNEL IN FISCAL YEAR 1991.—After the date of the enactment of this Act, an agency or component of the Department of Defense may not implement any involuntary reductions or furloughs of civilian personnel in industrial-type or commercial-type activities in fiscal year 1991 until 45 days after the date on which the agency or component submits a report to Congress outlining the reasons why such reductions or furloughs are required and including a description of any changes in workload and manpower requirements that will result from those reductions or furloughs.

SEC. 323. INVENTORY MANAGEMENT POLICIES

(a) In General.—(1) Chapter 145 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2458. Inventory management policies

"(a) Policy Required.—The Secretary of Defense shall issue a single, uniform policy on the management of inventory items of the Department of Defense. Such policy shall—

"(1) establish maximum levels for inventory items sufficient to achieve and maintain only those levels for inventory items necessary for the national defense; and

"(2) provide guidance to item managers and other appropriate officials on how effectively to eliminate wasteful practices in the acquisition and management of inventory items.

"(b) Personnel Evaluations.—The Secretary of Defense shall establish procedures to ensure that, with regard to item managers and other personnel responsible for the acquisition and management of inventory items of the Department of Defense, personnel appraisal systems for such personnel give appropriate consideration to efforts made by such personnel to eliminate wasteful practices and achieve cost savings in the acquisition and management of inventory items.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2458. Inventory management policies.".

10 USC 2458 note.

(b) Date of Issuance of Policy.—The policy required by section 2458(a) of title 10, United States Code (as added by subsection (a)), shall be issued not later than 180 days after the date of the enactment of this Act.

SEC. 324. EXPANSION OF AUTHORITY TO DONATE FOOD TO CHARITABLE NONPROFIT FOOD BANKS

(a) Inclusion of Mess Food, Meals Ready-to-Eat, and Other Food.—Section 2485 of title 10, United States Code, is amended—

(1) by striking out "commissary store" in subsection (a);

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Food that may be donated under this section is commissary store food, mess food, meals ready-to-eat (MREs), and other food available to the Secretary of a military department that—

"(1) is certified as edible by appropriate food inspection technicians;

"(2) would otherwise be destroyed as unusable; and

"(3) in the case of commissary store food, is unmarketable and unsaleable."; and

(3) by striking out "A donation" in subsection (c) and inserting in lieu thereof "In the case of commissary store food, a donation".

(b) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§ 2485. Donation of unusable food: commissary stores and other activities".

(2) The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2485. Donation of unusable food: commissary stores and other activities.".

SEC. 325. AUTHORITY TO EXCHANGE PROPERTY FOR SERVICES IN CONNECTION WITH HISTORICAL COLLECTIONS

Section 2572(b) of title 10, United States Code, is amended—

(1) by striking out the period at the end of paragraph (1) and inserting in lieu thereof "or for search, salvage, and restoration services which directly benefit the historical collection of the armed forces."; and

(2) in paragraph (2)—

(A) by inserting ", or services provided," in the first sentence after "property transferred" the first place it appears; and

(B) by inserting "in the case of an exchange of property for property" in the second sentence after "preceding sentence".

SEC. 326. AUTHORITY TO FURNISH TRANSPORTATION IN CERTAIN AREAS OUTSIDE THE UNITED STATES

(a) AUTHORITY TO FURNISH TRANSPORTATION.—(1) Chapter 157 of title 10, United States Code, is amended by inserting after section 2636 the following new section:

"§ 2637. Transportation in certain areas outside the United States

"The Secretary of Defense may authorize the commander of a unified combatant command to use Government owned or leased vehicles to provide transportation in an area outside the United States for members of the uniformed services and Federal civilian employees under the jurisdiction of that commander, and for the dependents of such members and employees, if the commander determines that public or private transportation in such area is unsafe or not available. Such transportation shall be provided in accordance with regulations prescribed by the Secretary of Defense.".

Regulations.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2636 the following new item:

"2637. Transportation in certain areas outside the United States.".

(b) CONFORMING AMENDMENT.—Section 1344(c) of title 31, United States Code, is amended by inserting ", section 2637 of title 10," after "Act of 1956".

SEC. 327. AUTHORIZATION FOR CERTAIN BANDS OF THE ARMED FORCES TO PRODUCE RECORDINGS FOR COMMERCIAL SALE

(a) ARMY.—Section 3634 of title 10, United States Code, is amended—

(1) by striking out "No" and inserting in lieu thereof "(a) PROHIBITION.—Except as provided in subsection (b), no", and

(2) by adding at the end the following new subsection:

"(b) RECORDINGS.—(1) Any Army band designated as a special band may produce recordings for commercial sale.

"(2) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Department of the Army for expenses of Army bands.

Regulations.

"(3) The Secretary of the Army shall prescribe regulations governing the accounting of such proceeds.".

(b) NAVY AND MARINE CORPS.—(1) Section 6223 of such title is amended by adding at the end the following new subsection:

"(c) EXCEPTION FOR COMMERCIAL RECORDINGS.—(1) Notwithstanding any limitation contained in subsection (a) or (b), any Navy band or Marine Corps band designated as a special band may produce recordings for commercial sale.

"(2) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Department of the Navy for expenses of Navy and Marine Corps bands.

Regulations.

"(3) The Secretary of the Navy shall prescribe regulations governing the accounting of such proceeds.".

(2) Such section is further amended—

(A) by inserting "NAVY BANDS AND MEMBERS.—" after "(a)"; and

(B) by inserting "MEMBERS OF MARINE CORPS BANDS.—" after "(b)".

(c) AIR FORCE.—Section 8634 of such title is amended—

(1) by striking out "No" and inserting in lieu thereof "(a) PROHIBITION.—Except as provided in subsection (b), no", and

(2) by adding after subsection (a) the following new subsection:

"(b) RECORDINGS.—(1) Any Air Force band designated as a special band may produce recordings for commercial sale.

"(2) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Department of the Air Force for expenses of Air Force bands.

Regulations.

"(3) The Secretary of the Air Force shall prescribe regulations governing the accounting of such proceeds.".

(d) COAST GUARD.—(1) Chapter 17 of title 14, United States Code, is amended by inserting after section 639 the following new section:

"§ 640. Coast Guard band recordings for commercial sale

"(a) The Coast Guard band may produce recordings for commercial sale.

"(b) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Coast Guard for expenses of the Coast Guard band.

Regulations.

"(c) The Secretary shall prescribe regulations governing the accounting of such proceeds.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 639 the following new item:

"640. Coast Guard band recordings for commercial sale.".

(e) CONFORMING AMENDMENT.—Section 974 of title 10, United States Code, is amended by striking out "section 6223 of this title" and inserting in lieu thereof "sections 3634, 6223, and 8634 of this title and section 640 of title 14,".

SEC. 328. ARMY PROGRAM TO PROMOTE CIVILIAN MARKSMANSHIP

(a) PROGRAM TO BE SELF-SUPPORTING.—Section 4313 of title 10, United States Code, is amended to read as follows:

"§ 4313. Promotion of civilian marksmanship: expenses

"(a) PROHIBITION ON APPROPRIATION OF FUNDS FOR CERTAIN EXPENSES AND SERVICES.—Funds may not be appropriated for the necessary or incidental expenses of, or personnel services connected with, any program conducted by the Department of the Army for the purpose of promoting marksmanship among civilians.

"(b) REIMBURSEMENT REQUIRED.—Funds available to the Department of Defense may be used to pay the costs of a program referred to in subsection (a) if the appropriation accounts used to pay those costs are reimbursed for the payment of those costs through fees paid by the persons or gun clubs participating in the program.

"(c) FEES.—The Secretary of the Army shall establish reasonable fees for persons and gun clubs participating in a program referred to in subsection (a). Such fees shall be established at a rate sufficient to cover the cost of operating the program, including the cost of pay and allowances earned by members of the armed forces while detailed under section 4307 or 4310 of this title, and members of the Army National Guard while detailed under section 316 of title 32, to assist in the promotion of civilian marksmanship.

"(d) RETENTION OF FUNDS.—Amounts collected by the Secretary of the Army under a program referred to in subsection (a) (including amounts collected from the sale of arms, ammunition, targets, and other supplies under section 4308 of this title) shall be retained by the Secretary to cover the cost of operating the program.".

(b) ABOLISHMENT OF ARMY'S ROLE IN THE CONSTRUCTION OF RIFLE RANGES FOR CIVILIAN RIFLE PRACTICE.—Section 4308(a)(1) of that title is amended by striking out "construction, equipment, maintenance, and operation" and inserting in lieu thereof "operation and maintenance".

(c) REQUIREMENT THAT SALES OF ARMY RIFLES AND AMMUNITION TO CIVILIANS BE MADE AT FAIR MARKET VALUE.—Section 4308(a)(5) of that title is amended by striking out "the sale" and all that follows through "rifled arms," and inserting in lieu thereof the following: "the sale (at fair market value) to citizens of the United States who are over the age of 18 and current members of a gun club,".

(d) ELIMINATION OF ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR THE INCIDENTAL EXPENSES OF THE NATIONAL BOARD.—Section 4308 of that title is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(e) USE OF RIFLE RANGES BY CIVILIANS.—Section 4309 of that title is amended to read as follows:

"§ 4309. Rifle ranges: available for use by members and civilians

"(a) RANGES AVAILABLE.—(1) All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by able-bodied persons capable of bearing arms.

"(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) located on a military installation, the Secretary of the Army shall establish reasonable fees for the use by civilians of that rifle range to cover any costs incurred by the Army to make that rifle range available to civilians.

"(2) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of those ranges by members of the armed forces.

"(c) REGULATIONS.—Regulations to carry out this section shall be prescribed by the authorities controlling the rifle range, subject to the approval of the Secretary of the Army.".

(f) SALE OF AMMUNITION FOR CIVILIAN RIFLE PRACTICE.—Section 4311 of that title is amended by inserting "the sale of" before "such quantities".

(g) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 4308 of that title is amended to read as follows:

"§ 4308. Promotion of civilian marksmanship: authority of the Secretary of the Army".

(2) The table of sections at the beginning of chapter 401 of that title is amended—

(A) by striking out the items relating to sections 4308 and 4309 and inserting in lieu thereof the following:

"4308. Promotion of civilian marksmanship: authority of the Secretary of the Army.
"4309. Rifle ranges: available for use by members and civilians."; and

(B) by striking out the item relating to section 4313 and inserting in lieu thereof the following:

"4313. Promotion of civilian marksmanship: expenses.".

10 USC 4308 note.

(h) APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on October 1, 1992.

SEC. 329. SHIPS' STORES

(a) SALES OF GOODS AND SERVICES.—(1) Chapter 651 of title 10, United States Code, is amended by striking out section 7604 and inserting in lieu thereof the following:

"§ 7604. Ships' stores: sale of goods and services

"Under such regulations and at such prices as the Secretary of the Navy may prescribe, the Secretary may provide for the sale of goods and services from ships' stores to members of the naval service and to such other persons as provided by law.".

(2) The item relating to section 7604 in the table of sections at the beginning of that chapter is amended to read as follows:

"7604. Ships' stores: sale of goods and services.".

Regulations. 10 USC 7604 note.

(3) The regulations required to be prescribed under section 7604 of title 10, United States Code (as amended by paragraph (1)), shall be first prescribed not later than 90 days after the date of the enactment of this Act.

(b) REPORT ON OPERATION OF SHIPS' STORES.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report reviewing the operations of all ships' stores and including such recommendations for improving such operations as the Secretary considers appropriate.

(2) In conducting the review under paragraph (1), the Secretary shall consider the procurement and pricing policies of the ships' stores, the manner of organizing and managing the ships' stores,

and alternative methods by which the operations of the ships' stores may be funded.

SEC. 330. OPERATION OF THE INTER-AMERICAN AIR FORCES ACADEMY

(a) In General.—Chapter 907 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9415. Inter-American Air Forces Academy

"(a) Operation.—The Secretary of the Air Force may operate the Air Force education and training facility known as the Inter-American Air Forces Academy for the purpose of providing military education and training to military personnel of Central and South American countries, Caribbean countries, and other countries eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

"(b) Costs.—The fixed costs of operating and maintaining the Inter-American Air Forces Academy may be paid from funds available for operation and maintenance of the Air Force.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9415. Inter-American Air Forces Academy.".

SEC. 331. ASSISTANCE PROGRAM FOR EMPLOYEES OF A NONAPPROPRIATED FUND INSTRUMENTALITY ADVERSELY AFFECTED BY BASE CLOSURES

Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)(1), by inserting after "time limitation)" the following: ", a nonappropriated fund instrumentality employee employed at a nonappropriated fund instrumentality operated in connection with such base or installation,";

(2) in subsection (b)(1), by adding at the end the following: "or employed by a nonappropriated fund instrumentality operated in connection with such base or installation,";

(3) in subsection (k), by striking "and (n) of this section" and inserting "(n), and (o)"; and

(4) by adding at the end the following new subsection:

"(o)(1) Assistance under this section shall be provided by the Secretary of Defense with respect to nonappropriated fund instrumentality employees adversely affected by the closure of a base or installation ordered to be closed, in whole or in part, after December 31, 1988.

"(2) Notwithstanding subsection (b), a civilian employee who is serving overseas and is entitled to reemployment by the Federal Government (including a nonappropriated fund instrumentality of the United States) at or in connection with a base or installation ordered to be closed, in whole or in part, shall be entitled to the benefits of this section to the same extent as an employee employed at or in connection with that base or installation.

"(3) All payments to a nonappropriated fund instrumentality employee under this section shall be made from the funds available to the Secretary of Defense under subsection (d).

"(4) For purposes of this section:

"(A) The term 'nonappropriated fund instrumentality employee' means a civilian employee who—

"(i) is a citizen of the United States; and

"(ii) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

"(B) The term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code.".

PART D—ENVIRONMENTAL PROVISIONS

SEC. 341. ADDITIONAL REQUIREMENTS FOR ENVIRONMENTAL REPORT

Subsection (b) of section 2706 of title 10, United States Code, is amended to read as follows:

"(b) REPORT ON ENVIRONMENTAL COMPLIANCE.—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report containing the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted. The statement shall set forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget as submitted by the President, together with an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget. The statement shall set forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and full-time personnel that will be required over the next five fiscal years for the Department of Defense to comply with applicable environmental laws, set forth separately for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(E) A statement of the funding levels requested in the budget for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

"(F) A description of the number and duties of current full-time personnel, both civilian and military, who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

"(2) In this subsection, the term 'military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.".

SEC. 342. REPORTING REQUIREMENTS ON ENVIRONMENTAL COMPLIANCE AT OVERSEAS MILITARY INSTALLATIONS

(a) ADDITIONAL INFORMATION IN ENVIRONMENTAL BUDGET REPORT.—Paragraph (1) of section 2706(b) of title 10, United States Code, as amended by section 341, is amended by adding at the end the following new subparagraph:

"(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.".

10 USC 2701 note.

(b) POLICIES AND REPORT ON OVERSEAS ENVIRONMENTAL COMPLIANCE.—(1) The Secretary of Defense shall develop a policy for determining applicable environmental requirements for military installations located outside the United States. In developing the policy, the Secretary shall ensure that the policy gives consideration to adequately protecting the health and safety of military and civilian personnel assigned to such installations.

(2) The Secretary of Defense shall develop a policy for determining the responsibilities of the Department of Defense with respect to cleaning up environmental contamination that may be present at military installations located outside the United States. In developing the policy, the Secretary shall take into account applicable international agreements (such as Status of Forces agreements), multinational or joint use and operation of such installations, relative share of the collective defense burden, and negotiated accommodations.

(3) The Secretary of Defense shall develop a policy and strategy to ensure adequate oversight of compliance with applicable environmental requirements and responsibilities of the Department of Defense determined under the policies developed under paragraphs (1) and (2). In developing the policy, the Secretary shall consider using the Inspector General of the Department of Defense to ensure active and forceful oversight.

(4) At the same time the President submits to Congress his budget for fiscal year 1993 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report describing the policies developed under paragraphs (1), (2), and (3). The report also shall include a discussion of the role of the Inspector General of the Department of Defense in overseeing environmental compliance at military installations outside the United States.

(5) For purposes of this subsection, the term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military depart-

ment which is located outside the United States and outside any territory, commonwealth, or possession of the United States.

SEC. 343. EXTENSION OF DATE FOR COMPLETION OF STUDY ON WASTE RECYCLING

10 USC 2701 note.

Section 361(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1429) is amended by striking out "one year after the date of the enactment of this Act" and inserting in lieu thereof "March 1, 1991".

10 USC 2701 note.

SEC. 344. ENVIRONMENTAL EDUCATION PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL

(a) Requirement To Establish Program.—The Secretary of Defense shall establish a program for the purpose of educating Department of Defense personnel in environmental management.

(b) Program Requirements.—Under the program, the Secretary shall—

(1) in consultation with environmental education personnel of colleges and universities in the United States that offer undergraduate and graduate level courses in a wide range of environmental disciplines, develop a curriculum of environmental management courses offered by such colleges and universities;

(2) provide opportunities for Department of Defense personnel to attend such courses at such colleges and universities; and

(3) develop the criteria for the selection of Department of Defense personnel to attend such courses.

(c) Fiscal Year 1991 Funding Matters.—Of the funds authorized to be appropriated pursuant to section 301, not more than $100,000 shall be available for the program established pursuant to subsection (a).

(d) Recommendations Regarding Continuation of Program After Fiscal Year 1991.—Not later than the date on which the President submits the budget for fiscal year 1992 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives in writing his recommendations regarding whether the program established under subsection (a) should be continued after September 30, 1991.

10 USC 2701 note.

SEC. 345. USE OF OZONE DEPLETING SUBSTANCES WITHIN THE DEPARTMENT OF DEFENSE

(a) DOD Requirements for Ozone Depleting Chemicals Other Than CFCs.—(1) In addition to the functions of the advisory committee established pursuant to section 356(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2701 note), it shall be the function of the Committee to study (A) the use of methyl chloroform, hydrochlorofluorcarbons (HCFCs), and carbon tetrachloride by the Department of Defense and by contractors in the performance of contracts for the Department of Defense, and (B) the costs and feasibility of using alternative compounds or technologies for methyl chloroform, HCFCs, and carbon tetrachloride

(2) Within 120 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that specify the use of methyl chloroform, HCFCs, or carbon tetrachloride.

(3) Within 150 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military

specifications, standards, and other requirements that do not specify use of methyl chloroform, HCFCs, or carbon tetrachloride but cannot be met without the use of one or more of such substances.

(b) REQUIREMENT.—In preparing the report required by section 356(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 and the report required by subsection (d) of this section, the Committee shall work closely with the Strategic Environmental Research and Development Program Council and shall provide to such Council such reports.

(c) EXTENSION OF REPORTING DEADLINE FOR CFCs.—The deadline for submitting to Congress the report required by section 356(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 concerning the uses of CFCs is hereby extended to June 30, 1991.

(d) REPORTING DEADLINE FOR METHYL CHLOROFORM, HCFCs, AND CARBON TETRACHLORIDE.—Not later than September 30, 1991, the Secretary shall submit to Congress a report containing the results of the study by the Committee required by subsection (a)(1) of this section.

SEC. 346. PROHIBITION ON PURCHASES OF PERFORMANCE BONDS AND SIMILAR GUARANTIES

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991 may not be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility to guarantee the performance of any direct function by the Department of Defense.

PART E—MISCELLANEOUS

SEC. 351. CONTINUATION OF AIR FORCE HURRICANE RECONNAISSANCE MISSION

The Secretary of the Air Force shall continue the operation of the hurricane reconnaissance mission of the Air Force during fiscal year 1991 at the same level as undertaken during fiscal year 1990 unless another Federal agency assumes responsibility for, and has funds to perform, such mission.

SEC. 352. ARMY RELIABILITY CENTERED-INSPECT AND REPAIR ONLY AS NECESSARY PROGRAM AT ANNISTON ARMY DEPOT

The Secretary of the Army may operate and maintain an Army Reliability Centered-Inspect and Repair Only as Necessary Program at Anniston Army Depot in Anniston, Alabama.

SEC. 353. VALIDATION OF PAYMENTS UNDER CERTAIN CONTRACTS FOR THE PROVISION OF MUNICIPAL SERVICES

Notwithstanding section 2465 of title 10, United States Code, or any other provision of law, any payment made before the date of the enactment of this Act under a contract entered into before that date by the Secretary of a military department with a unit of local government for the provision by such local government of police, fire, or other municipal service to the military department shall be held and considered to be a valid payment.

SEC. 354. MAINTENANCE OF FIREFIGHTING AND OTHER EMERGENCY SERVICES AT MILITARY INSTALLATIONS IN THE UNITED STATES

(a) Maintenance of Services.—(1) Consistent with the requirements of section 2465 of title 10, United States Code, the Secretary of a military department shall ensure that each military installation described in paragraph (2) under the jurisdiction of that Secretary is provided during fiscal year 1991 with firefighting and other emergency services through personnel and facilities of the installation.

(2) A military installation referred to in paragraph (1) is a military installation in the United States that—

(A) is established during fiscal year 1991; or

(B) on October 1, 1990, had firefighting and other emergency services provided through personnel and facilities of that installation.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) identifies each military installation in the United States that has more than 300 employees and is not provided with firefighting and related emergency services through personnel and facilities of the installation; and

(2) contains a proposed plan that outlines the actions to be taken, related to cost and options, in providing such services.

SEC. 355. STAFF OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT

(a) Requirement for Increased Staff.—The Secretary of Defense shall increase the size of the permanent staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in accordance with this section. To achieve such increase, the Secretary may not reduce the size of the permanent staff authorized for the Under Secretary of Defense for Policy.

(b) Size of Staff.—On and after May 1, 1991, the number of employees of the Department of Defense assigned or detailed to duty to assist the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in the performance of the functions of the Assistant Secretary may not be less than the equivalent of 92 full-time employees.

(c) Number of Senior Level Employees.—Nine of the employee positions designated for the staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be senior level employees who are recognized by rank for their managerial and supervisory duties.

(d) Increase in Total Number of Department of Defense Employees not Authorized.—This section does not authorize an increase in the number of civilian employees that may be employed by the Department of Defense.

(e) Assessment of Staff Needs.—The Secretary of Defense shall provide for an assessment, by an organization outside the Department of Defense, of the staff requirements of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. The Secretary shall submit the results of that assessment to the Congress not later than 180 days after the date of the enactment of this Act, together with such comments and recommendations as the Secretary considers appropriate.

SEC. 356. DISCUSSIONS CONCERNING DEPARTMENT OF DEFENSE SUPPORT FOR 1996 SUMMER OLYMPICS

(a) REQUIREMENT FOR DISCUSSIONS.—The Secretary of Defense shall initiate discussions between military and civilian personnel of the Department of Defense and appropriate Federal, State, and local officials and the Atlanta Organizing Committee for the Olympic Games for the purpose of planning for security and logistical support that the Department of Defense may provide for the 1996 games of the XXVI Olympiad to be held in Atlanta, Georgia.

(b) REPORT.—Not later than April 15, 1991, the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives describing the results of the discussions held pursuant to subsection (a).

SEC. 357. SENSE OF CONGRESS REGARDING THE TRANSFER TO EUROPE OF MILITARY EQUIPMENT THAT WOULD THEN BE DESTROYED OR REMOVED AS A RESULT OF AN ARMS CONTROL AGREEMENT

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Defense has announced commencement of substantial withdrawals of United States military personnel from Europe in anticipation of concluding an agreement that will reduce conventional forces in Europe and in recognition of the reduced threat in Europe.

(2) The anticipated arms control agreement on conventional forces in Europe will require destruction or demilitarization of certain military equipment in excess of limits specified in the agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) funds appropriated for the Department of Defense should not be used to transfer to Europe any military equipment that would have to be destroyed as a result of the anticipated arms control agreement on conventional forces in Europe; and

(2) the Department of Defense should make every effort to avoid transferring to Europe any military equipment that would, after only a short period of time in Europe, have to be returned to the United States as a result of further withdrawals of United States military personnel from Europe.

PART F—STUDIES AND REPORTS

SEC. 361. AUTHORIZATION FOR SHORT-TERM LEASE OF AIRCRAFT FOR INITIAL ENTRY ROTORY WING PILOT TRAINING AND STUDY REGARDING LONG-TERM LEASE

(a) AUTHORIZATION.—(1) The Secretary of the Army may enter into a contract described in paragraph (2) for the lease of aircraft for initial entry helicopter pilot training to determine if the cost of leasing, operating, and maintaining such aircraft is less than the projected cost of operating and maintaining existing aircraft of the Army for the same purpose.

(2) A contract referred to in paragraph (1) is a contract other than a contract—

(A) described in subsection (a)(1)(A) of section 2401 of title 10, United States Code; or

(B) containing terms described in subsection (a)(1)(B) of that section.

(b) Study.—In addition to the short-term lease authorized under subsection (a), the Secretary of Defense shall prepare the analysis required under section 2401(e)(1) of title 10, United States Code, preparatory to requesting under that section an authorization of a long-term lease or charter of aircraft for initial entry helicopter pilot training or for an authorization of a lease or charter of aircraft for such purpose which provides for a substantial termination liability on the part of the United States.

SEC. 362. STUDY ON FLEXIBLE READINESS

(a) Flexible Readiness Defined.—For purposes of this section, the term "flexible readiness" means the allocation of resources and the adjustment of the readiness of military units based on—

(1) the military threats to the United States;

(2) the amount of warning time of potential hostilities;

(3) the likelihood that particular military units will be used in a military action; and

(4) the ability of the military departments to transport these units to the scene of a military action.

(b) Sense of Congress.—(1) Under the concept of flexible readiness, the Secretary of Defense would keep certain high priority military forces, such as strategic forces, expeditionary forces, forward deployed forces, special operations forces, and selected intelligence units, at a high state of readiness.

(2) It is the sense of Congress that flexible readiness has significant potential for being an effective and efficient method by which resources are allocated to military units and a larger military force structure may be preserved in the future than would be possible without flexible readiness.

(c) Report.—Not later than March 15, 1991, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a detailed description of the extent to which the concept of flexible readiness could be implemented by the Secretary in the Department of Defense. The report shall—

(1) describe the extent to which resources have been and are currently allocated to active and reserve military units based on the projected threat, the likely warning time, and the projected deployment dates of units in a contingency;

(2) identify the types and numbers of military units which should be maintained at the highest levels of readiness in the future;

(3) analyze the effect of the use of flexible readiness on the future size of the active and reserve component force structure of the Armed Forces; and

(4) analyze the costs, benefits, and difficulties of applying the concept of flexible readiness to all active forces and reserve component forces of the Armed Forces.

SEC. 363. REPORT ON ESTABLISHING NEW NAVAL RESERVE TRAINING CENTER AT NEWPORT, RHODE ISLAND

Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the desirability of establishing a new Naval Reserve Training Center within the Naval Education and Training Center at Newport, Rhode Island, to serve as the principal Naval Reserve training center on the East Coast for surface warfare. The report shall consider the desirability of including within the training facilities of such a Reserve Training Center the FF-1052 frigates stationed as of the date of the enactment of this Act at the Naval Education and Training Center at Newport, Rhode Island, and of planning for the use of those frigates in the event of a mobilization.

SEC. 364. REPORT ON THE TRANSPORTATION OF CHEMICAL WEAPONS FROM THE FEDERAL REPUBLIC OF GERMANY TO JOHNSTON ISLAND

(a) Report Required.—The Secretary of the Army shall prepare a report analyzing the safety aspects of the project to remove and transport chemical weapons stored in the Federal Republic of Germany to Johnston Island, with special emphasis on measures undertaken to ensure safety during the actual transportation of the weapons.

(b) Use of Report.—The report required by subsection (a) shall be used as part of each Phase I site specific environmental impact statement study of chemical weapons storage sites in the United States (including the Aberdeen Proving Ground, Maryland, and the Lexington-Blue Grass Army Depot, Kentucky) that is initiated on or after the date of the enactment of this Act. These Phase I studies are being used to assist in determining the validity of the programmatic on-site disposal decisions that have been made for those sites. Information from the report shall be incorporated in any Phase I assessment of transportation alternatives for those sites.

(c) Submission of Report.—The report required by subsection (a) shall be submitted to Congress not later than 60 days after the date the transportation project referred to in that subsection is completed.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Part A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES

10 USC 115 note.

(a) Fiscal Year 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:

(1) The Army, 702,170, of which not more than 99,291 may be officers.

(2) The Navy, 570,500, of which not more than 69,992 may be officers.

(3) The Marine Corps, 193,735, of which not more than 19,757 may be officers.

(4) The Air Force, 510,000, of which not more than 95,027 may be officers.

(b) Fiscal Year 1995.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1995, as follows:

(1) The Army, 520,000.
(2) The Navy, 501,000.
(3) The Marine Corps, 177,000.
(4) The Air Force, 415,000.

(c) Waiver Authority for Officer End Strengths.—The Secretary of Defense may waive the officer end strength prescribed in subsection (a) for any of the Armed Forces to the extent that the waiver is necessary to prevent the involuntary separation of officers other than (1) the separation of officers under chapter 36 of title 10, United States Code, for reasons other than meeting such end strength limitation, (2) the separation of officers for physical disability, age, or cause, and (3) the separation of officers made without regard to that limitation (as determined by the Secretary of Defense).

10 USC 115 note.

(d) CONFORMING AMENDMENT.—Section 401 of Public Law 101-189 (103 Stat. 1431) is amended by striking out subsection (b).

SEC. 402. UNIFORM PROCESS FOR IMPLEMENTING REDUCTIONS IN STRENGTH

(a) LIMITATION.—After the end of the 90-day period beginning on the date of the enactment of this Act, the Secretary of a military department may not carry out the involuntary separation of a member of the Armed Forces under the Secretary's jurisdiction who is described in subsection (b) unless the Secretary of Defense has certified to the Committees on Armed Services of the Senate and the House of Representatives that the Secretary of that military department has implemented procedures to do the following:

(1) Limit the number of persons without previous military service that may be accessed for active duty service as officers in the Armed Force concerned during each fiscal year of the five-year period beginning on October 1, 1990, to a number not greater than the number necessary to meet the requirements of that Armed Force for officers within the end strength specified in section 401(b) for that Armed Force.

(2) Limit the number of persons without previous military service that may be accessed for active duty service as enlisted members in that Armed Force concerned during each fiscal year of the five-year period beginning on October 1, 1990, to a number not greater than the number necessary to meet the requirements of that Armed Force enlisted personnel within the end strength specified in section 401(b) for that Armed Force.

(3) Reduce as of September 30 of each year during the five-year period beginning on October 1, 1990, the number of members of that Armed Force serving on active duty who, upon separation, would be immediately eligible for retired or retainer pay to a number not greater than the number necessary to meet the requirements of that Armed Force within the end strength specified in section 401(b) for that Armed Force.

(4) Limit the number of members of that Armed Force serving on active duty who have completed two but less than six years of active service to a number not greater than the number necessary to meet the requirements of that Armed Force for members with two but less than six years of active service within the end strength specified in section 401(b) for that Armed Force.

(b) APPLICABILITY.—The limitation on involuntary separation in subsection (a) applies to a member of the Army, Navy, Air Force, or Marine Corps who—

(1) is serving on active duty or full-time National Guard duty;

(2) has six or more years of active service in the Armed Forces;

(3) if involuntarily separated, would not be immediately eligible for retired or retainer pay; and

(4) if involuntarily separated, would be eligible for separation pay under section 1174 of title 10, United States Code (as amended by section 501 of this Act).

c) DEFINITION.—For purposes of this section, the term "involun-ily separated" has the meaning given that term in section 1141 of e 10, United States Code, as added by section 502 of this Act.

d) REGULATIONS.—The Secretary of Defense shall prescribe regu-ions to carry out this section. Such regulations shall apply uni-mly for the military departments.

:. 403. AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY

a) FIVE-YEAR REDUCTION.—Effective on September 30, 1991, the t of section 526 of title 10, United States Code, is amended to read follows:

'(a) LIMITATIONS.—The number of general officers on active duty the Army, Air Force, and Marine Corps, and the number of flag icers on active duty in the Navy, may not exceed the number cified for the armed force concerned as follows:

"(1) For the Army, 386 before October 1, 1995, and 302 on and after that date.

"(2) For the Navy, 250 before October 1, 1995, and 216 on and after that date.

"(3) For the Air Force, 326 before October 1, 1995, and 279 on and after that date.

"(4) For the Marine Corps, 68 before October 1, 1995, and 61 on and after that date.

'(b) During the period before October 1, 1995, the Secretary of fense may increase the number of general officers on active duty the Army, Air Force, or Marine Corps, or the number of flag icers on active duty in the Navy, above the applicable number cified in subsection (a) by a total of not more than five. Whenever such increase is made, the Secretary shall make a correspond- reduction in the number of such officers that may serve on ive duty in general or flag officer grades in one of the other ned forces.".

) CONFORMING AMENDMENTS.—(1) Chapter 331 of title 10, United tes Code, is amended—

(A) by striking out section 3202; and

(B) in the table of sections at the beginning of such chapter, by striking out the item relating to section 3202.

) Chapter 533 of such title is amended—

(A) by striking out sections 5442, 5443, 5444, and 5446; and

(B) in the table of sections at the beginning of such chapter, by striking out the items relating to sections 5442, 5443, 5444, and 5446.

) Chapter 831 of such title is amended—

(A) by striking out section 8202; and

(B) in the table of sections at the beginning of the chapter, by striking out the item relating to section 8202.

404. REDUCTION FOR FISCAL YEAR 1992 IN NUMBER OF ACTIVE DUTY AIR FORCE COLONELS

ction 402 of Public Law 101-189 (10 U.S.C. 523 note) is amended triking out "fiscal year 1991" and inserting in lieu thereof al year 1992".

SEC. 405. AUTHORITY FOR EXEMPTION FROM GRADE LIMITATIONS FOR CERTAIN THREE-STAR GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF

(a) IN GENERAL.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) An officer while serving in a position designated under subparagraph (B), if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under paragraph (1) or (2).

"(B) The President, with the advice and assistance of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, may designate not more than six positions within the Joint Staff (provided for under section 155 of this title) as positions referred to in subparagraph (A). The authority of the President under the preceding sentence may not be delegated.".

(b) TECHNICAL AMENDMENT.—Paragraph (3) of such section is amended by striking out "authorized" and inserting in lieu thereof "that would otherwise be permitted for".

SEC. 406. REDUCTION IN THE AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE

(a) REDUCTION.—Subsection (c)(1) of section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended in the first sentence—

(1) by striking out "After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act enacted after the date of the enactment of this Act" and inserting in lieu thereof "No appropriated funds"; and

(2) by striking out "326,414" and inserting in lieu thereof "261,855".

(b) WAIVER AUTHORITY.—Such section is further amended by adding at the end the following: "In any fiscal year for which the permanent ceiling specified in the first sentence of this subsection is 261,855, the President may authorize an end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization at a level not to exceed 311,855 if the President determines that the national security interests of the United States require such authorization. Whenever the President exercises the authority provided under the preceding sentence, the President shall notify Congress of that determination and of the necessity for exceeding such permanent ceiling.". President.

(c) CONFORMING AMENDMENT.—Section 911 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1523) is repealed. 10 USC 1928 note.

PART B—RESERVE FORCES

10 USC 261 note.

SEC. 411. END STRENGTHS FOR SELECTED RESERVE

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 457,300.

(2) The Army Reserve, 318,700.

(3) The Naval Reserve, 153,400.
(4) The Marine Corps Reserve, 43,900.
(5) The Air National Guard of the United States, 117,035.
(6) The Air Force Reserve, 85,591.
(7) The Coast Guard Reserve, 12,700.

(b) Waiver Authority.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) Adjustments.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

(d) Conforming Amendment.—Section 411 of Public Law 101-189 (101 Stat. 1432) is amended by striking out subsection (b). 10 USC 261 note.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

10 USC 261 note.

(a) Fiscal Year 1991.—Within the end strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(A) The Army National Guard of the United States, 26,199.
(B) The Army Reserve, 13,344.
(C) The Naval Reserve, 22,997.
(D) The Marine Corps Reserve, 2,401.
(E) The Air National Guard of the United States, 8,468.
(F) The Air Force Reserve, 655.

(b) Army Reserve Component Strengths for Fiscal Years 1992–997.—(1) Within the end strengths authorized by law after the date f the enactment of this Act for each of the fiscal years listed in the able in paragraph (2), the reserve components of the Army are uthorized the total number of members specified in such table for uch fiscal year to be serving on full-time active duty or, in the case f members of the National Guard, full-time National Guard duty or the purpose of organizing, administering, recruiting, instructing, r training the Army reserve components.

(2) The table referred to in paragraph (1) is as follows:

Fiscal Year	Army Reserve	Army Gu
1992	12,673	24
1993	12,006	23
1994	11,339	22
1995	10,672	20
1996	10,005	19
1997	9,341	18

(c) Implementation of Reductions.—(1) In implement
reductions in the end strengths for reserves on active
support of the Army reserve components required in subsec
no member of the Reserves serving on full-time active duty
date of the enactment of this Act, or in the case of member
National Guard, full-time National Guard duty, for the pu
organizing, administering, recruiting, instructing or train
Army reserve components may be involuntarily separated.

(2) As used in this section, the term "involuntarily separat
the meaning given that term in section 1141 of title 10,
States Code as added by section 502 of this Act.

Regulations.

(3) The end strengths prescribed in subsection (b) may be e
to the extent necessary to comply with this subsection, a
mined under regulations prescribed by the Secretary of

(4) Accessions of members of the Reserves to be serving
time active duty or, in the case of members of the Nationa
on full-time National Guard duty for the purpose of org
administering, recruiting, instructing, or training the Army
components for a fiscal year shall be two percent of t
authorized end strength provided in subsection (b) for th
year.

(d) Use of Active Component Members.—(1) The Secr
Defense shall examine the validity of the information subm
support of the budget submitted to Congress pursuant to
1105 of title 31, United States Code, for fiscal year 1992 with
to the number of reserve members on active duty or
National Guard duty to support the Army reserve compone
shall, to the extent that the information remains valid, assig
component members to reserve units to meet the requireme
reserve components.

(2) The Secretary shall include in the detailed justific
estimates for military personnel for the Army, Navy, Air Fo
Marine Corps that accompanies the budget submitted to
for fiscal years 1992 and 1993 pursuant to section 1105 of
United States Code, the number of such personnel that
grammed to be assigned in support of the reserve compo
meet requirements for full-time support of the reserve com

(e) Army Reserve Components.—For purposes of this sect
Army reserve components are the Army National Guar
United States and the Army Reserve.

Part C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) In General.—For fiscal year 1991, the components
Armed Forces are authorized average military training
follows:

(1) The Army, 66,525.

(2) The Navy, 59,675.

(3) The Marine Corps, 20,880.
(4) The Air Force, 26,880.
(5) The Army National Guard of the United States, 16,611.
(6) The Army Reserve, 15,337.
(7) The Naval Reserve, 3,112.
(8) The Marine Corps Reserve, 3,520.
(9) The Air National Guard of the United States, 2,765.
(10) The Air Force Reserve, 1,628.

(b) Adjustments.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Part D—Other Personnel Strength Matters

SEC. 431. REPORT ON CADRE CONCEPT

The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the cadre concept for both active duty divisions and reserve component divisions. The report shall describe any change in laws that would be required in order to implement the cadre concept on a test program basis. The report shall be submitted not later than February 1, 1991.

TITLE V—MILITARY PERSONNEL

Part A—Personnel Readjustment Benefits

SEC. 501. SEPARATION PAY

(a) Authority for Separation Pay for Regular Enlisted Members.—Section 1174 of title 10, United States Code, is amended—

(1) by inserting "Regular Officers.—(1)" in subsection (a) after "(a)";

(2) by redesignating subsection (b) as paragraph (2) of subsection (a); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Regular Enlisted Members.—(1) A regular enlisted member of an armed force who is discharged involuntarily or as the result of the denial of the reenlistment of the member and who has completed six or more, but less than 20, years of active service immediately before that discharge is entitled to separation pay computed under subsection (d) unless the Secretary concerned determines that the conditions under which the member is discharged do not warrant payment of such pay.

"(2) Separation pay of an enlisted member shall be computed under paragraph (1) of subsection (d), except that such pay shall be computed under paragraph (2) of such subsection in the case of a member who is discharged under criteria prescribed by the Secretary of Defense.".

(b) Period of Service Required for Eligibility.—Such section is further amended—

(1) by striking out "five or more" in subsection (a)(2) (as redesignated by subsection (a)(2) of this section) and in subsection (c)(1) and inserting in lieu thereof "six or more"; and

(2) by striking out "at least five years" in subsection (c)(3) and inserting in lieu thereof "at least six years".

(c) REPEAL OF LIMITATION ON AMOUNT OF SEPARATION PAY.—(1) Subsection (d) of such section is amended—

(A) by striking out "or $30,000, whichever is less" in paragraph (1); and

(B) by striking out ", but in no event more than $15,000"

(2) Subsection (g) of such section is amended—

(A) by striking out "(1)" after "(g)"; and

(B) by striking out paragraph (2).

(d) REQUIREMENT FOR SERVICE IN READY RESERVE; EXCLUSION FOR MEMBERS DISCHARGED DURING INITIAL PERIOD OF SERVICE.—Subsection (e) of such section is amended to read as follows:

Government contracts.

"(e) REQUIREMENT FOR SERVICE IN READY RESERVE; EXCEPTIONS TO ELIGIBILITY.—(1)(A) As a condition of receiving separation pay under this section, a person otherwise eligible for that pay shall be required to enter into a written agreement with the Secretary concerned to serve in the Ready Reserve of a reserve component for a period of not less than three years following the person's discharge or release from active duty. If the person has a service obligation under section 651 of this title or under any other provision of law that is not completed at the time the person is discharged or released from active duty, the three-year obligation under this subsection shall begin on the day after the date on which the person completes the person's obligation under such section or other provision of law.

"(B) Each person who enters into an agreement referred to in subparagraph (A) who is not already a Reserve of an armed force and who is qualified shall, upon such person's discharge or release from active duty, be enlisted or appointed, as appropriate, as a Reserve and be transferred to a reserve component.

"(2) A member who is discharged or released from active duty is not eligible for separation pay under this section if the member—

"(A) is discharged or released from active duty at his request;

"(B) is discharged or released from active duty during an initial term of enlistment or an initial period of obligated service;

"(C) is released from active duty for training; or

"(D) upon discharge or release from active duty, is immediately eligible for retired or retainer pay based on his military service.".

10 USC 1174 note.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), subsection (b) of section 1174 of title 10, United States Code, as added by subsection (a), and the amendments made by subsections (b), (c), and (d) shall apply with respect to a member of the Armed Forces who is discharged, or released from active duty, after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall not apply in the case of a member (other than a regular enlisted member) of the Armed Forces who (A) is serving on active duty on the date of the enactment of this Act, (B) is discharged, or released from active duty, after that date; and (C) on that date has five or more, but less than six, years of active service in the Armed Forces.

(f) CONFORMING CROSS-REFERENCE AMENDMENTS.—(1) Section 1186(c) of title 10, United States Code, is amended by striking out "section 1174(b)" and inserting in lieu thereof "section 1174(a)(2

(2) Section 6383(h) of such title is amended by striking out "section 1174(a)" and inserting in lieu thereof "section 1174(a)(1)".

(g) Technical Amendments.—(1) Subsection (a) of section 1174 of such title (as amended by subsection (a) of this section) is further amended—

(A) by striking out "or release"; and

(B) by striking out ", under section 564" and all that follows through "Management Act" and inserting in lieu thereof "or under section 564 or 6383 of this title".

(2) Subsection (c)(1) of such section is amended by striking out "after September 14, 1981,".

(h) Stylistic Amendments.—Such section is further amended—

(1) by inserting "Other Members.—" in subsection (c) after "(c)";

(2) by inserting "Amount of Separation Pay.—" in subsection (d) after "(d)";

(3) by inserting "Counting Fractional Years of Service.—" in subsection (f) after "(f)";

(4) by inserting "Coordination With Other Separation or Severance Pay Benefits.—" in subsection (g) after "(g)";

(5) by inserting "Coordination With Retired or Retainer Pay and Disability Compensation.—" in subsection (h) after "(h)"; and

(6) by inserting "Regulations; Crediting of Other Commissioned Service.—" in subsection (i) after "(i)".

SEC. 502. OTHER TRANSITION BENEFITS AND SERVICES

(a) Benefits and Services.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 57 the following new chapter:

"CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED

"Sec.
"1141. Involuntary separation defined.
"1142. Preseparation counseling; transmittal of medical records to Department of Veterans Affairs.
"1143. Employment assistance: Department of Defense.
"1144. Employment assistance, job training assistance, and other transitional services: Department of Labor.
"1145. Health benefits.
"1146. Commissary and exchange benefits.
"1147. Use of military family housing.
"1148. Relocation assistance for personnel overseas.
"1149. Excess leave and permissive temporary duty.
"1150. Affiliation with Guard and Reserve units: waiver of certain limitations.

"§ 1141. Involuntary separation defined

"A member of the Army, Navy, Air Force, or Marine Corps shall be considered to be involuntarily separated for purposes of this chapter if the member was on active duty or full-time National Guard duty on September 30, 1990, and—

"(1) in the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned;

"(2) in the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned;

"(3) in the case of a regular enlisted member serving on active duty, the member is (A) denied reenlistment, or (B) involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned; and

"(4) in the case of a reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the member (A) is denied reenlistment, or (B) is involuntarily discharged or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.

"§ 1142. Preseparation counseling; transmittal of medical records to Department of Veterans Affairs

"(a) REQUIREMENT.—(1) Upon the discharge or release from active duty of a member of the armed forces, the Secretary concerned shall provide for individual preseparation counseling of the member. A notation of the provision of such counseling with respect to each matter specified in subsection (b), signed by the member, shall be placed in the service record of each member receiving such counseling.

"(2) In carrying out this section, the Secretary concerned may use the services available under section 1144 of this title.

"(b) MATTERS TO BE COVERED BY COUNSELING.—Counseling under this section shall include the following:

"(1) A discussion of the educational assistance benefits to which the member is entitled under the Montgomery GI Bill and other educational assistance programs because of the member's service in the armed forces.

"(2) A description (to be developed with the assistance of the Secretary of Veterans Affairs) of the compensation and vocational rehabilitation benefits to which the member may be entitled under laws administered by the Secretary of Veterans Affairs, if the member is being medically separated or is being retired under chapter 61 of this title.

"(3) An explanation of the procedures for and advantages of affiliating with the Selected Reserve.

"(4) Information concerning Government and private-sector programs for job search and job placement assistance.

"(5) If the member has a spouse, job placement counseling for the spouse;

"(6) Information concerning the availability of relocation assistance services and other benefits and services available to persons leaving military service, as provided under section 1144 of this title.

"(7) Information concerning the availability of medical and dental coverage following separation from active duty, including the opportunity to elect into the conversion health policy provided under section 1145 of this title.

"(8) Counseling (for the member and dependents) on the effect of career change on individuals and their families.

"(9) Financial planning assistance.

"(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—In the case of a member being medically separated or being retired under chapter 61 of this title, the Secretary concerned shall ensure (subject to the consent of the member) that a copy of the member's service medical record (including any results of a Physical Evaluation Board) is transmitted to the Secretary of Veterans Affairs within 60 days of the separation or retirement.

"§ 1143. Employment assistance: Department of Defense

"(a) EMPLOYMENT SKILLS VERIFICATION.—The Secretary of Defense shall provide to members of the armed forces under the jurisdiction of the Secretary who are discharged or released from active duty a certification or verification of any job skills and experience acquired while on active duty that may have application to employment in the civilian sector. The preceding sentence shall be carried out in conjunction with the Secretary of Labor.

Establishment.

"(b) EMPLOYMENT ASSISTANCE CENTERS.—The Secretary of Defense shall establish permanent employment assistance centers at appropriate military installations.

"(c) INFORMATION TO CIVILIAN ENTITIES.—For the purpose of assisting members covered by subsection (a) and their spouses in locating civilian employment and training opportunities, the Secretary of Defense shall establish and implement procedures to release to civilian employers, organizations, State employment agencies, and other appropriate entities the names (and other pertinent information) of such members and their spouses. Such names may be released for such purpose only with the consent of such members and spouses.

"(d) EMPLOYMENT PREFERENCE BY NONAPPROPRIATED FUND INSTRUMENTALITIES.—The Secretary of Defense shall take such steps as necessary to provide that members of Army, Navy, Air Force, or Marine Corps who are involuntarily separated, and the dependents of such members, shall be provided a preference in hiring by nonappropriated fund instrumentalities of the Department. Such preference shall be administered in the same manner as the preference for military spouses provided under section 806(a)(2) of the Military Family Act of 1985, except that a preference under that section shall have priority over a preference under this subsection. A person may receive a preference in hiring under this subsection only once.

"§ 1144. Employment assistance, job training assistance, and other transitional services: Department of Labor

"(a) IN GENERAL.—(1) The Secretary of Labor, in conjunction with the Secretary of Defense and the Secretary of Veterans Affairs, shall establish and maintain a program to furnish counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the armed forces under the jurisdiction of the Secretary of a military department who are being separated from active duty and the spouses of such members. Such services shall be provided to a member during the 180-day period before the member is separated from active duty.

"(2) The Secretary of Defense and the Secretary of Veterans Affairs shall cooperate with the Secretary of Labor in establishing and maintaining the program under this section.

Government contracts.

"(3) The Secretaries referred to in paragraph (1) shall enter into a detailed agreement to carry out this section. The agreement shall be entered into no later than 60 days after the date of the enactment of this section.

"(b) ELEMENTS OF PROGRAM.—In establishing and carrying out a program under this section, the Secretary of Labor shall do the following:

Public information.

"(1) Provide information concerning employment and training assistance, including (A) labor market information, (B) civilian work place requirements and employment opportunities, (C) instruction in resume preparation, and (D) job analysis techniques, job search techniques, and job interview techniques.

"(2) In providing information under paragraph (1), use experience obtained from implementation of the pilot program established under section 408 of Public Law 101-237.

"(3) Provide information concerning Federal, State, and local programs, and programs of military and veterans service organization, that may be of assistance to such members after separation from the Armed Forces, including, as appropriate, the information and services to be provided under section 1142 of this title.

"(4) Inform such members that the Department of Defense is required under section 1143(a) of this title to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to employment in the civilian sector for use in seeking civilian employment and in obtaining job search skills.

Grant programs.

"(5) Provide information and other assistance to such members in their efforts to obtain loans and grants from the Small Business Administration and other Federal, State, and local agencies.

"(6) Provide information about the geographic areas in which such members will relocate after separation from the armed forces, including, to the degree possible, information about employment opportunities, the labor market, and the cost of living in such area (including, to the extent practicable, the cost and availability of housing, child care, education, and medical and dental care).

"(7) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

"(c) PARTICIPATION.—The Secretary of Defense shall encourage and otherwise promote maximum participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(d) USE OF PERSONNEL AND ORGANIZATIONS.—In carrying out the program established under this section, the Secretaries may—

"(1) provide, as the case may be, for the use of disabled veterans outreach program specialists, local veterans' employment representatives, and other employment service personnel funded by the Department of Labor to the extent that the Secretary of Labor determines that such use will not significantly interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of such services or benefits;

"(2) use military and civilian personnel of the Department of Defense;

"(3) use personnel of the Veterans Benefits Administration of the Department of Veterans Affairs and other appropriate personnel of that Department;

"(4) use representatives of military and veterans' service organizations;

"(5) enter into contracts with public or private entities; and

"(6) take other necessary action to develop and furnish the information and services to be provided under this section.

"(e) FUNDING.—(1) There is authorized to be appropriated to the Department of Labor to carry out this section $4,000,000 for fiscal year 1991 and $9,000,000 for each of fiscal years 1992 and 1993.

"(2) There is authorized to be appropriated to the Department of Veterans Affairs to carry out this section $1,000,000 for fiscal year 1991 and $4,000,000 for each of fiscal years 1992 and 1993.

"§ 1145. Health benefits

"(a) TRANSITIONAL HEALTH CARE.—(1) For the applicable time period described in paragraph (2), a member of the armed forces who is involuntarily separated from active duty during the five-year period beginning on October 1, 1990 (and the dependents of the member), shall be entitled to receive—

"(A) medical and dental care under section 1076 of this title in the same manner as a dependent described in subsection (a)(2) of such section; and

"(B) health benefits contracted under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.

"(2) Transitional health care shall be available under subsection (a) for a specified time period beginning on the date on which the member is involuntarily separated as follows:

"(A) For members involuntarily separated with less than six years of active service, 60 days.

"(B) For members involuntarily separated with six or more years of active service, 120 days.

"(b) CONVERSION HEALTH POLICIES.—(1) The Secretary of Defense shall inform each member referred to in subsection (a) before the date of the member's discharge or release from active duty of the availability for purchase by the member of a conversion health policy for the member and the dependents of that member.

"(2) If a member referred to in subsection (a) purchases a conversion health policy during the period applicable to the member (or within a reasonable time after that period as prescribed by the Secretary of Defense), the Secretary shall provide health care, or pay the costs of health care provided, to the member and the dependents of the member—

"(A) during the one-year period beginning on the date on which coverage under the conversion health policy begins; and

"(B) for a condition (including pregnancy) that exists on such date and for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

"(3) The Secretary of Defense may arrange for the provision
health care described in paragraph (2) through a contract with tl
insurer offering the conversion health policy.

"(c) HEALTH CARE FOR CERTAIN SEPARATED MEMBERS NOT OTHE
WISE ELIGIBLE.—(1) Consistent with the authority of the Secreta
concerned to designate certain classes of persons as eligible
receive health care at a military medical facility, the Secreta
concerned should consider authorizing, on an individual basis
cases of hardship, the provision of that care for a member who
separated from the armed forces during the five-year period begi
ning on October 1, 1990, and is ineligible for transitional health ca
under subsection (a) or does not obtain a conversion health policy (
a dependent of the member).

"(2) The Secretary concerned shall give special consideration
requests for such care in cases in which the condition for whi
treatment is required was incurred or aggravated by the member
the dependent before the date of the separation of the membe
particularly if the condition is a result of the particular c
cumstances of the service of the member.

"(d) DEFINITION.—In this section, the term 'conversion heal
policy' means a health insurance policy with a private insure
developed through negotiations between the Secretary of Defen
and a private insurer, that is available for purchase by or for the u
of a person who is no longer a member of the armed forces or
covered beneficiary.

"§ 1146. Commissary and exchange benefits

Regulations.

"The Secretary of Defense shall prescribe regulations to allow
member of the armed forces who is involuntarily separated fro
active duty during the five-year period beginning on October 1, 199
to continue to use commissary and exchange stores during the tw
year period beginning on the date of the involuntary separation
the member in the same manner as a member on active dut

"§ 1147. Use of military family housing

"(a) TRANSITION FOR INVOLUNTARILY SEPARATED MEMBERS.—Tl
Secretary of a military department may, pursuant to regulatio
prescribed by the Secretary of Defense, permit individuals who a
involuntarily separated during the five-year period beginning
October 1, 1990, to continue for not more than 180 days after tl
date of such separation to reside (along with other members of tl
individual's household) in military family housing provided
leased by the Department of Defense to such individual as a memb
of the armed forces.

"(b) RENTAL CHARGES.—The Secretary concerned, pursuant
such regulations, shall require a reasonable rental charge for tl
continued use of military family housing under subsection (
except that such Secretary may waive all or any portion of su
charge in any case of hardship.

"§ 1148. Relocation assistance for personnel overseas

"The Secretary of Defense shall develop a program specifically
assist members of the armed forces stationed overseas who a
preparing for discharge or release from active duty, and the depen
ents of such members, in readjusting to civilian life. The progra
shall focus on the special needs and requirements of such membe
and dependents due to their overseas locations and shall include,

the maximum extent possible, computerized job relocation assistance and job search information.

"§ 1149. Excess leave and permissive temporary duty

"Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall grant a member of the armed forces who is to be involuntarily separated such excess leave (for a period not in excess of 30 days), or such permissive temporary duty (for a period not in excess of 10 days), as the member requires in order to facilitate the member's carrying out necessary relocation activities (such as job search and residence search activities), unless to do so would interfere with military missions.

"§ 1150. Affiliation with Guard and Reserve units: waiver of certain limitations

"(a) Preference for Certain Persons.—A person who is involuntarily separated from the armed forces during the five-year period beginning on October 1, 1990, and who applies to become a member of a National Guard or Reserve unit within one year after the date of such separation shall be given preference over other equally qualified applicants for existing or projected vacancies within the unit to which the member applies.

"(b) Limited Waiver of Strength Limitations.—Under regulations prescribed by the Secretary of Defense, a person covered by subsection (a) who enters a National Guard or Reserve unit pursuant to an application described in such subsection may be retained in that unit for up to three years without regard to reserve-component strength limitations so long as the individual maintains good standing in that unit.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by inserting after the item relating to chapter 57 the following new item:

"58. Benefits and Services for Members Being Separated or Recently Separated .... 1141".

(b) Conforming Amendments.—(1) Section 1046 of such title is repealed.

(2) The table of sections at the beginning of chapter 53 of such title is amended by striking out the item relating to section 1046.

10 USC 1144 note.

(c) Implementation Reports.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report setting forth the agreement entered into to carry out section 1144 of title 10, United States Code, as added by subsection (a). The report shall include a detailed description of the responsibilities of the Secretary of Labor, the Secretary of Defense, and the Secretary of Veterans Affairs in carrying out that section and of the steps that have been taken to carry out those responsibilities.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report containing a detailed evaluation of the program carried out under that section to the date of the submission of the report.

(3) The reports under paragraphs (1) and (2) shall be prepared in consultation with the Secretary of Defense and the Secretary of Labor.

10 USC 1148 note.

(d) **Pilot Program.**—During fiscal year 1991, the Secretary carry out the program required by section 1148 of title 10, U States Code, as added by subsection (a), at not less than 10 mi installations located outside the United States.

SEC. 503. TRAVEL AND TRANSPORTATION ALLOWANCES RELATI MEMBERS INVOLUNTARILY SEPARATED

(a) **Members.**—(1) Subsection (c)(1) of section 404 of title 37, U States Code, is amended—

(A) by striking out "or" at the end of subparagrap

(B) by inserting "or" at the end of subparagraph (B);

(C) by inserting after subparagraph (B) the following:

"(C) is involuntarily separated from active duty durir five-year period beginning on October 1, 1990," and

(D) by inserting "involuntarily separated," after "plac that list," in the material following the subparagraphs.

(2) Subsection (f)(2)(B) of such section is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by striking out the period at the end of clause (i inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(v) who is involuntarily separated from active duty c the five-year period beginning on October 1, 1990.".

(3) Such section is further amended by adding at the er following new subsection:

"(j) In this section, the term 'involuntarily separated' ha meaning given that term in section 1141 of title 10.".

(b) **Dependents, Baggage, and Household Effects.**—(1) S tion (a)(2)(B) of section 406 of such title is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by striking out the period at the end of clause (i inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(v) who is involuntarily separated from active duty c the five-year period beginning on October 1, 1990.".

(2) Subsection (g)(1) of such section is amended—

(A) by striking out "; or" at the end of subparagrap

(B) by inserting "or" at the end of subparagraph (B);

(C) by inserting after subparagraph (B) the following:

"(C) is involuntarily separated from active duty durir five-year period beginning on October 1, 1990," and

(D) by inserting "involuntarily separated," after "plac that list," in the material following the subparagraphs.

(3) Subsection (a) of such section is amended by adding at th the following new paragraph:

"(4) In this section, the term 'involuntarily separated' ha meaning given that term in section 1141 of title 10.".

37 USC 406 note.

(c) **Storage of Household Effects.**—(1) The Secretary of a tary department shall exercise the authority provided by secti of title 37, United States Code, to provide nontemporary stor baggage and household effects for a period not longer than on in the case of individuals who are involuntarily separated c the five-year period beginning on October 1, 1990.

(2) For purposes of this subsection, the term "involuntarily rated" has the meaning given that term in section 1141 of ti United States Code.

SEC. 504. CONTINUATION OF ENROLLMENT IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM FOR DEPENDENTS OF MEMBERS INVOLUNTARILY SEPARATED

(a) Continuation of Enrollment.—Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Continuation of Enrollment for Certain Dependents of Members of the Armed Forces Involuntarily Separated.—(1) A member of the Armed Forces serving on active duty on September 30, 1990, who is involuntarily separated during the five-year period beginning on October 1, 1990, and who has a dependent described in paragraph (2) who is enrolled in a school of the defense dependents' education system (or a school for which tuition is provided under subsection (b)) on the date of that separation shall be eligible to enroll or continue the enrollment of that dependent at that school (or another school serving the same community) for the final year of secondary education of that dependent in the same manner as if the member were still on active duty.

"(2) A dependent referred to in paragraph (1) is a dependent who on the date of the separation of the member has completed the eleventh grade and is likely to complete secondary education within the one-year period beginning on that date.".

(b) Involuntarily Separated Defined.—Section 1414 of that Act (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

"(5) The term 'involuntarily separated' has the meaning given that term in section 1141 of title 10, United States Code.".

Part B—Defense Officer Personnel Management Policies

SEC. 521. OFFICER RETENTION FLEXIBILITY

(a) In General.—(1) Chapter 36 of title 10, United States Code, is amended by inserting after section 638 the following new section:

"§ 638a. Modification to rules for continuation on active duty; enhanced authority for selective early retirement and early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the five-year period beginning on October 1, 1990, to take any of the actions set forth in subsection (b) with respect to officers of an armed force under the jurisdiction of that Secretary.

"(b) Actions which the Secretary of a military department may take with respect to officers of an armed force when authorized to do so under subsection (a) are the following:

"(1) Shortening the period of the continuation on active duty established under section 637 of this title for a regular officer who is serving on active duty pursuant to a selection under that section for continuation on active duty.

"(2) Providing that regular officers on the active-duty list may be considered for early retirement by a selection board convened under section 611(b) of this title in the case of officers described in any of subparagraphs (A) through (C) as follows:

"(A) Officers in the regular grade of lieutenant colonel or commander who would be subject to consideration for selection for early retirement under section 638(a)(1)(A) of this title except that they have failed of selection for promotion only one time (rather than two or more times).

"(B) Officers in the regular grade of colonel or, in the case of the Navy, captain who would be subject to consideration for selection for early retirement under section 638(a)(1)(B) of this title except that they have served on active duty in that grade less than four years (but not less than two years).

"(C) Officers holding a regular grade below the grade of colonel or, in the case of the Navy, captain who are not eligible for retirement under section 3911, 6323, or 8911 of this title but who after two additional years of active service as a commissioned officer would be eligible for retirement under one of those sections and whose names are not on a list of officers recommended for promotion.

"(3) Suspending section 638(c) of this title.

"(4) Convening selection boards under section 611(b) of this title to consider for discharge regular officers on the active-duty list in a grade below lieutenant colonel or commander—

"(A) who have served at least one year of active duty in the grade currently held;

"(B) whose names are not on a list of officers recommended for promotion; and

"(C) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c) In the case of an action under subsection (b)(2), the Secretary of the military department concerned shall specify the number of officers described in that subsection which a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement. Such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.

"(d)(1) In the case of an action under subsection (b)(4), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of officers to be recommended for discharge by a selection board convened pursuant to subsection (b)(4). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of officers described in subsection (b)(4) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of officers of that armed force (or the number of officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) An officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b)(4) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of officers for discharge under this subsection shall be based on the needs of the service.

"(e) The discharge or retirement of an officer pursuant to this section shall be considered to be involuntary for purposes of any other provision of law.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by inserting after the item relating to section 638 the following new item:

"638a. Modification to rules for continuation on active duty; enhanced authority for selective early retirement and early discharges.".

(b) CONFORMING AMENDMENTS.—(1) Section 637 of title 10, United States Code, is amended—

(A) by adding at the end of subsection (c) the following new sentence: "The period of the continuation on active duty of an officer under this section may be reduced by the Secretary concerned in the case of any officer as provided in section 638a of this title.";

(B) by redesignating subsection (d) as subsection (e); and

(C) by inserting after subsection (c) the following new subsection:

"(d) For purposes of this section, a period of continuation on active duty under this section expires or is completed on the earlier of (1) the date originally established for the termination of such period, or (2) the date established for the termination of such period by any shortening of such period under section 638a of this title.".

(2)(A) Subsection (a) of section 638 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) A regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may also be considered for early retirement under the circumstances prescribed in section 638a of this title.".

(B) Subsection (b)(1) of such section is amended by inserting "or section 638a of this title" after "under this section".

SEC. 522. REDUCTION IN TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT

Section 1370(a)(2) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by inserting after "not less than three years" at the end of the first sentence the following: ", except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the five-year period beginning on October 1, 1990";

(3) by designating the second, and third sentences as subparagraph (B) and by striking out "the preceding sentence" in the first sentence of such subparagraph (as so designated) and inserting in lieu thereof "subparagraph (A)"; and

(4) by adding at the end the following:

"(C) The number of officers in an armed force in a grade for whom a reduction is made during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade.".

SEC. 523. REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER

(a) **Army.**—Section 3911 of title 10, United States Code, is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following:

"(b) The Secretary of Defense may authorize the Secretary of the Army, during the five-year period beginning on October 1, 1990, to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Army) of not less than eight years.".

(b) **Navy and Marine Corps.**—Section 6323(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) The Secretary of Defense may authorize the Secretary of the Navy, during the five-year period beginning on October 1, 1990, to reduce the requirement under paragraph (1) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary) of not less than eight years.".

(c) **Air Force.**—Section 8911 of such title is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following:

"(b) The Secretary of Defense may authorize the Secretary of the Air Force, during the five-year period beginning on October 1, 1990, to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Air Force) of not less than eight years.".

10 USC 591 note.

SEC. 524. REPORT ON INITIAL APPOINTMENT OF ALL OFFICERS AS RESERVE OFFICERS AND ON THE APPROPRIATE ACTIVE DUTY OBLIGATION OF GRADUATES OF THE SERVICE ACADEMIES

(a) **Report Required.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the advantages, disadvantages, and desirability of initially appointing all persons commissioned as officers in the Army, Navy, Air Force, or Marine Corps as Reserve officers, and

(2) what the appropriate active duty service obligation should be for graduates of the service academies.

(b) **Deadline for Report.**—(1) The Secretary shall submit the report required by subsection (a), together with such comments and recommendations as the Secretary considers appropriate, not later than 60 days after the date of the enactment of this Act.

(2) If the report is not submitted within 60 days after the date of the enactment of this Act, then—

(A) all persons initially appointed as commissioned officers in the Army, Navy, Air Force, and Marine Corps after the 60th day following the date of the enactment of this Act shall be appointed as commissioned officers in a Reserve component of the Armed Forces; and

(B) all persons entering the service academies after the 60th day following the date of the enactment of this Act shall incur an obligation to serve on active duty for a period of five years.

(c) SERVICE ACADEMY DEFINED.—For purposes of this section, the term "service academies" means the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

PART C—OFFICER EDUCATION AND TRAINING

10 USC 4342 note

SEC. 531. REDUCTION IN THE NUMBER OF APPOINTMENTS FOR THE CLASS OF A SERVICE ACADEMY ENTERING IN 1991 AND IN 1995

(a) REDUCTION REQUIRED.—The number of appointments made for the class entering a service academy in 1991 may not exceed the number that is 100 less than the number of appointments for the class that entered that service academy in 1990. The number of appointments made for the class entering a service academy in 1995 may not exceed 1,000. The reductions required by this section may not be achieved by reducing the number of appointments under section 4342(a), 6954(a), or 9342(a) of title 10, United States Code.

(b) SERVICE ACADEMY DEFINED.—For purposes of this section, the term "service academy" means the United States Military Academy, the United States Naval Academy, or the Air Force Academy.

SEC. 532. REPEAL OF AUTHORITY OF ADMINISTRATOR OF PANAMA CANAL COMMISSION TO NOMINATE CADETS AND MIDSHIPMEN

(a) MILITARY ACADEMY.—(1) Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out clause (8); and

(ii) by redesignating clauses (9) and (10) as clauses (8) and (9), respectively;

(B) in subsection (d), by striking out "(2)-(7), (9), or (10)" and inserting in lieu thereof "(2) through (9)"; and

(C) in subsection (f), by striking out "(3)-(7), (9) and (10)" and inserting in lieu thereof "(3) through (9)".

(2) Section 9343 of such title is amended by striking out "(2)-(9)" and inserting in lieu thereof "(2) through (8)".

(b) NAVAL ACADEMY.—(1) Section 6954 of such title is amended—

(A) in subsection (a)—

(i) by striking out clause (8); and

(ii) by redesignating clauses (9) and (10) as clauses (8) and (9), respectively; and

(B) in subsection (d), by striking out "(2)-(7), (9), or (10)" and inserting in lieu thereof "(2) through (9)".

(2) Section 6956(c) of such title is amended by striking out "(2)-(9)" and inserting in lieu thereof "(2) through (8)".

(3) Section 6958(b) of such title is amended by striking out "(3)-(7), (9) and (10)" and inserting in lieu thereof "(3) through (9)".

(c) AIR FORCE ACADEMY.—(1) Section 9342 of such title is amended—

(A) in subsection (a)—

(i) by striking out clause (8); and

(ii) by redesignating clauses (9) and (10) as clauses (8) and (9), respectively;

(B) in subsection (d), by striking out "(2)-(7), (9), or (10)" and inserting in lieu thereof "(2) through (9)"; and

(C) in subsection (f), by striking out "(3)-(7), (9) and (10)" and inserting in lieu thereof "(3) through (9)".

(2) Section 9343 of such title is amended by striking out "(2)-(9)" and inserting in lieu thereof "(2) through (8)".

SEC. 533. MODIFICATION OF THE TEN-YEAR SERVICE OBLIGATION FOR GRADUATES OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

(a) Reduction in Required Active-Duty Service.—Subsection (b) of section 2114 of title 10, United States Code, is amended by striking out "10 years" in the fourth sentence and inserting in lieu thereof "seven years".

(b) Reserve Service Required.—Such section is further amended—

(1) in subsection (b), by inserting after the fourth sentence the following new sentence: "Upon completion of, or release from, the active-duty service obligation, a member of the program who served on active-duty for less than 10 years shall serve in the Ready Reserve for the period specified in the following table:

"Period of Service on Active Duty	Ready Reserve Obligation
Less than 8 years	6 years
8 years or more, but less than 9	4 years
9 years or more, but less than 10	2 years"

(2) in subsection (c), by striking out "an active duty obligation" and inserting in lieu thereof "a commissioned service obligation"; and

(3) by adding at the end the following new subsection:

"(f) In this section, the term 'commissioned service obligation' means, with respect to an officer who is a graduate of the University, the period beginning on the date of the appointment of the officer in a regular component after graduation and ending on the tenth anniversary of that appointment.".

10 USC 2114 note.

(c) Conforming Amendment.—Section 511(e) of the National Defense Authorization Act for Fiscal years 1990 and 1991 (Public Law 101-189: 103 Stat. 1439) is amended by striking out "the Uniformed Services University of the Health Sciences or".

10 USC 2114 note.

(d) Effective Date.—The amendment made by subsection (b) shall take effect on December 31, 1991, and shall apply to persons who are first admitted to the Uniformed Services University of the Health Sciences after that date.

SEC. 534. ADVANCED EDUCATIONAL ASSISTANCE

Section 2005 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by inserting "or fails to fulfill any term or condition prescribed pursuant to clause (4)," after "agreement,"; and

(2) in subsection (f)(1), by inserting "or fails to fulfill any term or condition prescribed pursuant to clause (4) of such subsection," after "agreement,".

PART E—MILITARY JUSTICE AMENDMENTS

SEC. 541. CLARIFICATION OF CERTAIN PROVISIONS IN UNIFORM CODE OF MILITARY JUSTICE

(a) PRETRIAL SESSIONS INVOLVING MILITARY JUDGE ACTING ALONE.—Section 839(a) of title 10, United States Code (article 39(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: "These proceedings may be conducted notwithstanding the number of members of the court and without regard to section 829 of this title (article 29).".

(b) CHALLENGES TO MEMBERS OF COURTS-MARTIAL FOR CAUSE WHEN MEMBERSHIP BELOW MINIMUM NUMBER.—Subsection (a) of section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by section 816 of this title (article 16), all parties shall (notwithstanding section 829 of this title (article 29)) either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.".

(c) PEREMPTORY CHALLENGES WHEN MEMBERSHIP BELOW MINIMUM NUMBER.—Subsection (b) of such section (article) is amended to read as follows:

"(b)(1) Each accused and the trial counsel are entitled initially to one peremptory challenge of members of the court. The military judge may not be challenged except for cause.

"(2) If exercise of a peremptory challenge reduces the court below the minimum number of members required by section 816 of this title (article 16), the parties shall (notwithstanding section 829 of this title (article 29)) either exercise or waive any remaining peremptory challenge (not previously waived) against the remaining members of the court before additional members are detailed to the court.".

(d) ADDITIONAL PEREMPTORY CHALLENGES WHEN NEW MEMBERS DETAILED.—Such section (article) is further amended by adding at the end the following new subsection:

"(c) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trail counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.".

10 USC 839 note

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall apply only to a court-martial convened on or after the date of the enactment of this Act.

(f) COURT OF MILITARY APPEALS.—Section 942(b) of title 10, United States Code (article 142(b) of the Uniform Code of Military Justice), is amended—

(1) by striking out "civil life" in paragraph (1) and inserting in lieu thereof "civilian life"; and

(2) by adding at the end the following new paragraph:

"(4) For purposes of appointment of judges to the court, a person retired from the armed forces after 20 or more years of active service (whether or not such person is on the retired list) shall not be considered to be in civilian life.".

PART F—MISCELLANEOUS

SEC. 551. SERVICES BY NOTARIES PUBLIC

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044 the following new section:

"§ 1044a. Authority to act as notary

"(a) The persons named in subsection (b) have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by any of the following:

"(1) Members of any of the armed forces.

"(2) Other persons eligible for legal assistance under the provisions of section 1044 of this title or regulations of the Department of Defense.

"(3) Persons serving with, employed by, or accompanying the armed forces outside the United States and outside the Commonwealth of Puerto Rico, Guam, and the Virgin Islands

"(4) Other persons subject to the Uniform Code of Military Justice (chapter 47 of this title) outside the United States

"(b) Persons with the powers described in subsection (a) are the following:

"(1) All judge advocates on active duty or performing inactive-duty training.

"(2) All civilian attorneys serving as legal assistance officers

"(3) All adjutants, assistant adjutants, and personnel adjutants on active duty or performing inactive-duty training.

"(4) All other persons on active duty or performing inactive-duty training who are designated by regulations of the armed forces or by statute to have those powers.

"(c) No fee may be paid to or received by any person for the performance of a notarial act authorized in this section.

"(d) The signature of any such person acting as notary, together with the title of that person's offices, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044 the following new item:

"1044a. Authority to act as notary.".

(b) CONFORMING AMENDMENTS.—Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking out ", and have the general powers" and all that follows through "United States" the third place it appears; and

(2) by striking out subsections (c) and (d).

SEC. 552. MEANING OF THE TERM "OFFICE" UNDER SECTION 2071(b) OF TITLE 18, UNITED STATES CODE

(a) NONAPPLICABILITY TO RETIRED OFFICERS.—Section 2071(b) of title 18, United States Code, is amended by adding at the end the following: "As used in this subsection, the term 'office' does not include the office held by any person as a retired officer of the Armed Forces of the United States.".

18 USC 2071 note.

(b) Effective Date.—The amendment made by subsection (a) shall be effective as of January 1, 1989.

SEC. 553. EXTENSION TO COAST GUARD OF LAW PROVIDING FOR IDENTIFICATION, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WHO ARE DEPENDENT ON DRUGS OR ALCOHOL.

10 USC 1074 note.

Section 1090 of title 10, United States Code, is amended by inserting ", and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy," after "Secretary of Defense".

SEC. 554. ADVISORY COMMITTEE ON MENTAL HEALTH EVALUATION PROTECTIONS

Establishment.

(a) Requirement.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish an advisory committee to carry out the functions described in subsection (d).

(b) Membership.—The advisory committee shall include not fewer than 12 members, including the following:

(1) Three board-certified psychiatrists who are officers of the Armed Forces, one of whom shall be an officer in the Medical Corps of the Army, one of whom shall be an officer in the Medical Corps of the Navy, and one of whom shall be an officer in the Air Force designated as a medical officer.

(2) One board-certified psychiatrist who is a civilian not employed by the Department of Defense, with expertise in procedures for the psychiatric commitment of civilian adults.

(3) Three clinical psychologists who are officers of the Armed Forces and who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology, one of whom shall be an officer in the Medical Service Corps of the Army, one of whom shall be an officer in the Medical Service Corps of the Navy, and one of whom shall be an officer in the Air Force who is designated as a biomedical sciences officer.

(4) One clinical psychologist who is a civilian not employed by the Department of Defense and who has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.

(5) Three judge advocates, one each from the Army, the Navy, and the Air Force, with expertise in pretrial restraint and other procedures associated with the mental health evaluation of individuals subject to the Uniform Code of Military Justice.

(6) An attorney who is a civilian not employed by the Department of Defense, with expertise in legal procedures associated with the psychiatric commitment of civilian adults.

(7) Such other civilian officials (employed by the Department of Defense or otherwise employed) and members of the Armed Forces as the Secretary considers appropriate.

(c) Chairman.—The Secretary of Defense shall appoint a chairman of the advisory committee from among the members of the committee.

Regulations.

(d) FUNCTIONS.—(1) The advisory committee shall develop and recommend to the Secretary regulations on procedural protections that should be afforded to any member of the Armed Forces who is referred by a commanding officer for a mental health evaluation by a mental health professional. The recommended regulations shall apply uniformly throughout the Department of Defense and shall include appropriate procedural protections according to whether the evaluations are to be carried out on an outpatient or inpatient basis and whether, based on the results of the evaluation, the member is to be involuntarily hospitalized in a mental health treatment facility. In developing the regulations with respect to procedural protections for evaluations conducted on an inpatient basis, the committee shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations.

(2)(A) The regulations developed under paragraph (1) shall include both of the following:

(i) A prohibition on the inappropriate referral for a mental health evaluation of a member of the Armed Forces as a reprisal against the member for making or preparing to make a communication described in subparagraph (B).

(ii) Procedural protections to be afforded to a member who is referred for a mental health evaluation following a communication described in subparagraph (B). Such protections shall provide the member with an appropriate opportunity to allow for a timely, prompt challenge to the referral.

(B) A communication referred to in subparagraph (A) is a lawful communication by a member of the Armed Forces of the type described in section 1034(c)(2) of title 10, United States Code, except that, for purposes of this section, such a communication shall include a communication to any appropriate authority in the chain of command of the member (as defined by the Secretary of Defense in regulations under subsection (g)).

(e) DEFINITIONS.—In this section:

(1) The term 'mental health evaluation' means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(2) The term 'mental health professional' means a psychiatrist, a psychologist, a person with a master's degree in social work, or any other individual who conducts mental health evaluations for the Department of Defense.

(f) REPORT.—(1) Not later than six months after the date of the enactment of this Act, the advisory committee shall submit to the Secretary of Defense a report containing the recommended regulations and such other information as the committee considers appropriate.

(2) Not later than 30 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives the report of the advisory committee, along with such additional comments and recommendations by the Secretary as the Secretary considers appropriate.

(g) REGULATIONS.—Not later than 180 days after receipt by the committees described in subsection (f)(2) of the report, comments, and recommendations described in that subsection, the Secretary of

Defense shall prescribe regulations based on such report, comments, and recommendations. The regulations shall provide that an inappropriate referral for a mental health evaluation or an involuntary hospitalization, when undertaken as a reprisal for a communication described in subsection (d)(2)(B), may be the basis for a proceeding under section 892 of title 10, United States Code (article 92 of the Uniform Code of Military Justice).

(h) TERMINATION OF COMMITTEE.—The advisory committee shall terminate on the date on which the Secretary prescribes regulations under subsection (g).

SEC. 555. AMENDMENTS TO THE UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT

(a) PROHIBITION OF CERTAIN RETROACTIVE COURT ORDERS.—Subsection (c)(1) of section 1408 of title 10, United States Code, is amended by adding at the end the following new sentence: "A court may not treat retired pay as property in any proceeding to divide or partition any amount of retired pay of a member as the property of the member and the member's spouse or former spouse if a final decree of divorce, dissolution, annulment, or legal separation (including a court ordered, ratified, or approved property settlement incident to such decree) affecting the member and the member's spouse or former spouse (A) was issued before June 25, 1981, and (B) did not treat (or reserve jurisdiction to treat) any amount of retired pay of the member as property of the member and the member's spouse or former spouse.".

(b) REDUCTIONS ALLOWED FOR DETERMINATION OF DISPOSABLE RETIRED PAY.—Subsection (a)(4) of such section is amended—

(1) by striking out the semicolon at the end of subparagraph (A) and inserting in lieu thereof "for previous overpayments of retired pay and for recoupments required by law resulting from entitlement to retired pay;"

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) are deducted from the retired pay of such member as a result of forfeitures of retired pay ordered by a court-martial or as a result of a waiver of retired pay required by law in order to receive compensation under title 5 or title 38;";

(3) by striking out subparagraphs (C) and (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (C) and (D), respectively.

(c) CLARIFICATION OF STATUS OF PAYMENTS TO SPOUSES AND FORMER SPOUSES.—Subsection (c)(2) of such section is amended by adding at the end the following new sentence: "Payments by the Secretary concerned under subsection (d) to a spouse or former spouse with respect to a division of retired pay as the property of a member and the member's spouse under this subsection may not be treated as amounts received as retired pay for service in the uniformed services.".

(d) CLARIFICATION OF LIMITS ON PAYMENTS OF RETIRED PAY.—(1) Paragraph (1) of subsection (e) of such section is amended by striking out "payable under subsection (d)" and inserting in lieu thereof "payable under all court orders pursuant to subsection (c)".

(2) Paragraph (4)(B) of such subsection is amended by striking out "the disposable retired or retainer pay payable to such member" and inserting in lieu thereof "the amount of the retired pay payable

to such member that is considered under section 462 of t
Security Act (42 U.S.C. 662) to be remuneration for employ
is payable by the United States".

10 USC 1408 note.

(e) EFFECTIVE DATES.—(1) The amendment made by subs
shall apply with respect to judgments issued before, on, or
date of the enactment of this Act. In the case of a judgeme
before the date of the enactment of this Act, such amendn
not relieve any obligation, otherwise valid, to make a payr
is due to be made before the end of the two-year period beg
the date of the enactment of this Act.

(2) The amendments made by subsections (b), (c), and
with only respect to divorces, dissolutions of marriage, an
and legal separations that become effective after the end
day period beginning on the date of the enactment of

(f) TECHNICAL AMENDMENTS.—Such section is further a
(1) by adding at the end of subsection (a) the follo
paragraph:
"(7) The term 'retired pay' includes retainer pay."; a
(2) by striking out "or retainer" each place it appear

(g) STYLISTIC AMENDMENTS.—Such section is further a
(1) by inserting "DEFINITIONS.—" in subsection (a) a
(2) by inserting "EFFECTIVE SERVICE OF PROCESS.—"
tion (b) after "(b)";
(3) by inserting "AUTHORITY FOR COURT TO TREA
PAY AS PROPERTY OF THE MEMBER AND SPOUSE.—" in s
(c) after "(c)";
(4) by inserting "PAYMENTS BY SECRETARY CONC
SPOUSE OR FORMER SPOUSE.—" in subsection (d) af
(5) by inserting "LIMITATIONS.—" in subsection (e) a
(6) by inserting "IMMUNITY OF OFFICERS AND EMP
UNITED STATES.—" in subsection (f) after "(f)";
(7) by inserting "NOTICE TO MEMBER OF SERVICE
ORDER ON SECRETARY CONCERNED.—" in subsection
"(g)"; and
(8) by inserting "REGULATIONS.—" in subsection
"(h)".

SEC. 556. AUTHORITY FOR COMMISSIONED OFFICERS TO S INDEPENDENT SCHOOL BOARDS

Section 973 of title 10, United States Code, is amended—
(1) by redesignating subsection (c) as subsection (d); a
(2) by inserting after subsection (b) the following ne
tion (c):
"(c) An officer to whom subsection (b) applies may seek
nonpartisan civil office on an independent school boar
located exclusively on a military reservation.".

SEC. 557. NAVY RATIONS

(a) IN GENERAL.—Section 6082 of title 10, United State
amended to read as follows:

"§ 6082. Rations

"(a) The President may prescribe the components and
of the Navy ration. The President may direct the issuance
lent articles in place of the prescribed components of the
the President determines that economy and the health an
of the members of the naval service require such action.

"(b) An enlisted member of the naval service on active duty is entitled to one ration daily. If an emergency ration is issued, it is in addition to the regular ration.

"(c) Fresh or preserved fruits, milk, butter, and eggs necessary for the proper diet of the sick and injured in hospitals shall be provided under regulations prescribed by the Secretary of the Navy.

"(d) The Secretary of the Navy may increase the quantity of daily rations for members of the naval service on a vessel or at a station that has an authorized complement of less than 150 members if the President determines that the vessel or station is operating under conditions that warrant an increase in rations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6082 and inserting in lieu thereof the following:

"6082 Rations.".

SEC. 558. REPORT REGARDING REQUIREMENT FOR DUTY IN SUPPORT OF NATIONAL GUARD AND RESERVES

Not later than April 15, 1991, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the desirability of requiring active-duty list officers to serve a minimum of two years in support of a National Guard or Reserve unit as a condition of eligibility for consideration for promotion to the grade of colonel or, in the case of the Navy, captain.

SEC. 559. PROHIBITION ON CERTAIN RESERVE SERVICE

(a) LIMITATION ON DUTY WITH ROTC UNITS.—(1) Chapter 39 of title 10, United States Code, is amended by inserting after section 686 the following new section:

"§ 687. Limitation on duty with Reserve Officer Training Corp units

"A member of a reserve component serving on active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components may not be assigned to duty with a unit of the Reserve Officer Training Corps program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 686 the following new item:

"687. Limitation on duty with Reserve Officer Training Corp units.".

(b) EFFECTIVE DATE.—Section 687 of title 10, United States Code, as added by subsection (a), shall take effect on September 30, 1991. 10 USC 687 note.

PART F—MONTGOMERY GI BILL

SEC. 561. OPPORTUNITY FOR CERTAIN PERSONNEL TO ENROLL IN MONTGOMERY GI BILL BEFORE BEING INVOLUNTARILY SEPARATED FROM SERVICE

(a) IN GENERAL.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 1418 the following:

"§ 1418A. Opportunity for certain active-duty personnel to enroll before being involuntarily separated from service

"(a) Notwithstanding any other provision of law, an individual who—

"(1) after December 31, 1990, or the end of the 90-day period beginning on the date of the enactment of this section, whichever is later, is involuntarily separated (as such term is defined in section 1142 of title 10) with an honorable discharge;

Education

"(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(3) in the case of any individual who has made an election under section 1411(c)(1) or 1412(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

"(4) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in paragraph (3) of this subsection, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(5) before such separation elects to receive assistance under this section pursuant to procedures referred to in paragraph (3) of this subsection,

is entitled to basic educational assistance under this chapter.

"(b) The basic pay of an individual described in subsection (a) of this section shall be reduced by $1,200.

"(c) A withdrawal referred to in subsection (a)(3) of this section is irrevocable.

"(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(4) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) as provided in section 1623(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 1622(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 1622(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 1622 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such

unt to make payments of benefits to such individual under
on 1415(e) of this chapter.".
The table of sections at the beginning of chapter 30 of such title
nended by inserting after the item relating to section 1418 the
wing new item:

A. Opportunity for certain active-duty personnel to enroll before being involuntarily separated from service.".

CONFORMING AMENDMENTS.—(1) Section 1413 of such title is
nded—
(A) by redesignating subsection (d) as subsection (e); and
(B) by inserting after subsection (c) the following new subsec-
ion (d):
) Subject to section 1795 of this title, each individual entitled to
ational benefits under section 1418A of this title is entitled to
esser of—
"(1) 36 months of educational assistance under this chapter
or the equivalent thereof in part-time educational assistance);
or
"(2) the number of months of such educational assistance (or
such equivalent thereof) that is equal to the number of months
served by such individual on active duty.".
Section 1415 of such title is amended by adding at the end the
wing new subsection:
) In the case of an individual for whom the Secretary of Defense
e contributions under section 1622(c) of this title and who is
led to educational assistance under section 1418A of this chap-
the Secretary shall increase the rate of the basic educational
tance allowance applicable to such individual in excess of the
provided under subsection (a) of this section in a manner
stent with, as determined by the Secretary of Defense, the
ement entered into with such individual pursuant to the rules
regulations issued by the Secretary of Defense under section
c) of this title.".
Section 1435(b) of such title is amended—
(A) in paragraph (1), by striking out "paragraph (2)" and
nserting in lieu thereof "paragraphs (2) and (3)"; and
(B) by adding at the end the following:
) Payment for entitlements established under section 1418A of
itle shall be made—
"(A) except as provided in subparagraphs (B) and (C) of this
aragraph, from the Department of Defense Education Benefits
und established under section 2006 of title 10;
"(B) in the case of any individual described in section
418A(a)(3) of this title, from funds appropriated, or otherwise
vailable, to the Department of Veterans Affairs for the pay-
nent of readjustment benefits; and
"(C) in the case of the increase in payments made under
ection 1415(e) of this title, from the Post-Vietnam Era Veterans
ducation Account established pursuant to section 1622(a) of
is title.".

62. CLARIFYING AMENDMENTS TO MONTGOMERY GI BILL ACTIVE DUTY PROGRAM

REASON FOR DISCHARGE.—(1) Subparagraph (A)(ii)(I) of section
)(1) of title 38, United States Code, is amended—
(A) by striking out "or for" and inserting in lieu thereof "for";
id

(B) by inserting after "hardship" the following: ", or for a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy".

(2) Subparagraph (B)(ii)(I) of section 1411(a)(1) of such title is amended—

(A) by striking out "or for" and inserting in lieu thereof "for"; and

(B) by inserting after "hardship" the following: ", or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph".

(3) Section 1412(b)(1) of such title is amended—

(A) in subparagraph (A)—

(i) by striking out "or (v)" and inserting in lieu thereof "(v)"; and

(ii) by inserting immediately before the period the following: ", or (vi) for a physical or mental condition that was not characterized as a disability, as described in section 1411(a)(1)(A)(ii)(I) of this title";

(B) in subparagraph (B)(i)—

(i) by striking out "or for" and inserting in lieu thereof ", for"; and

(ii) by inserting immediately before ", if the individual" the following: ", or for a physical or mental condition not characterized as a disability, as described in section 1411(a)(1)(A)(ii)(I) of this title"; and

(C) in subparagraph (B)(ii)—

(i) by striking out "or (V)" and inserting in lieu thereof "(V)"; and

(ii) by inserting immediately before the period the following: ", or (VI) for a physical or mental condition not characterized as a disability, as described in section 1411(a)(1)(A)(ii)(I) of this title".

(4) Section 3103A(b)(3)(F) is amended—

(A) by striking out "or" at the end of clause (ii);

(B) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(iv) a discharge or release from active duty for a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as described in section 1411(a)(1)(A)(ii)(I) of this title.".

(b) Initial Period of Duty.—Section 1411(d) of such title is amended—

(1) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) The period of service referred to in paragraph (1) is also any period of service on active duty which an individual in the Selected

Reserve was ordered to perform under section 672, 673, 673b, 674, or 675 of title 10 for a period of less than 2 years.".

38 USC 1411 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 19, 1984.

SEC. 563. PARTICIPATION OF CERTAIN NATIONAL GUARD PERSONNEL IN MONTGOMERY GI BILL

(a) IN GENERAL.—Section 1402 of title 38, United States Code, is amended by adding at end the following:

"(7) The term 'active duty' includes full-time National Guard duty first performed after November 29, 1989, by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard.".

38 USC 1402 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply only to individuals who before the date of entry on active duty, as defined in section 1402(7) of title 38, United States Code (as added by subsection (a)), have never served on active duty as defined in section 101(21) of that title.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

37 USC 1009 note.

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1991

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1991 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1991, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4.1 percent.

SEC. 602. MODIFICATION OF LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE

Section 403a of title 37, United States Code, is amended—

(1) in subsection (c)(2), by striking out ", except that the monthly amount" and all that follows through the period at the end and inserting in lieu thereof a period; and

(2) by adding at the end the following new subsection:

"(f) The monthly rate of a variable housing allowance for members of the uniformed services in the same pay grade and dependency status in an area may not be reduced pursuant to subsection (c)(2), a redetermination of median monthly costs of housing under that subsection, or any other law to the extent that the total amount of monthly basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance for that grade and status is reduced, as a result of such a reduction in variable housing allowance, below the monthly total of those items of pay and allowances for the month preceding the effective date of the most recent increase in the rate of basic pay for that grade.".

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. MULTIYEAR MEDICAL OFFICER RETENTION BONUS

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301c the following new section:

"§ 301d. Multiyear retention bonus: medical officers of the armed forces

"(a) BONUS AUTHORIZED.—(1) A medical officer described in subsection (b) who executes a written agreement to remain on active duty for two, three, or four years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus as provided in this section.

"(2) The amount of a retention bonus under paragraph (1) may not exceed $14,000 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment

"(b) ELIGIBLE OFFICERS.—This section applies to an officer of the armed forces who—

"(1) is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer

"(2) is in a pay grade below pay grade 0-7;

"(3) has at least eight years of creditable service (computed as described in section 302(g) of this title) or has completed any active-duty service commitment incurred for medical education and training; and

"(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)

"(c) REFUNDS.—(1) Refunds shall be required, on a pro rata basis of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owned to the United States

"(3) A discharge in bankruptcy under title 11, United States Code that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 301c the following new item:

"301d. Retention bonus: medical officers of the armed forces.".

37 USC 301d note.

(b) TERMINATION OF EXISTING RETENTION BONUS AGREEMENT.—(1 Subject to the approval of the Secretary of the military department concerned, a medical officer who is eligible to enter into a retention bonus agreement under section 301d of title 37, United States Code (as added by subsection (a)) may terminate any existing retention bonus agreement entered into by that officer under 612 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 30 note), in order to enter into an agreement under section 301d of such title containing an active-duty service obligation that is not less than the active-duty service obligation remaining under the existing agreement on the date of its termination.

(2) Subsection (e) of section 612 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), shall not apply to the termination, pursuant to paragraph (1), of a retention bonus agreement under that section.

(c) REPORT ON IMPLEMENTATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing implementation of section 301d of title 37, United States Code (as added by subsection (a)). The report shall include a description of the process that will be used to reassess the assignment of medical specialties to the various categories of multiyear bonuses under that section and the means for ensuring that substantial changes to the total compensation of medical officers of the Armed Forces will be minimized. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

(d) CONFORMING AMENDMENT.—Section 303a of title 37, United States Code, is amended by inserting "301d," after "sections" each place it appears.

SEC. 612. INCREASE IN PHYSICIAN SPECIAL PAY FOR OFFICERS IN A PAY GRADE ABOVE O-6

Section 302(a)(3) of title 37, United States Code, is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

SEC. 613. EXTENSION OF NURSE INCENTIVE PROGRAMS

(a) NURSE ACCESSION BONUS.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1991," and inserting in lieu thereof "September 30, 1992,".

(b) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1991," and inserting in lieu thereof "September 30, 1992,".

(c) NURSE CANDIDATES.—Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "September 30, 1991," and inserting in lieu thereof "September 30, 1992,"; and

(2) in subsections (a)(2) and (b)(1), by inserting "by the Secretary selecting the person" after "this title".

SEC. 614. EXTENSION OF SPECIAL PAY FOR NURSE ANESTHETISTS TO OTHER NURSING SPECIALTIES

(a) SPECIAL PAY AUTHORIZED.—Subsection (b) of section 302e of title 37, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" before "An officer"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may extend the special pay authorized under subsection (a) to officers of the armed forces who serve in a nursing specialty (other than as nurse anesthetists) that—

"(A) is designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

"(B) requires postbaccalaureate education and training.".

(b) CONFORMING AMENDMENT.—Subsection (a)(1) of such section is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(1)".

37 USC 302e note.

(c) IMPLEMENTATION OF AMENDMENT.—The Secretary of Defense may not implement subsection (b)(2) of section 302e of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) justifying the need of the departments for the authority provided in such subsection; and

(2) describing the manner in which that authority will be implemented.

SEC. 615. AUTHORITY TO TERMINATE SELECTIVE REENLISTMENT BONUS PAYMENTS

(a) TERMINATION AUTHORIZED.—Subsection (d) of section 308 of title 37, United States Code, is amended—

(1) by inserting (1) after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) If a refund is not required under paragraph (1) in the case of a member who fails to complete a term of enlistment, the Secretary of Defense with respect to the armed forces under the Secretary's jurisdiction, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may decline to make any payment of a bonus installment under this section that is due to be paid to the member after the date on which the member fails to complete the term of enlistment for which the bonus is being paid. The Secretary of Defense and the Secretary of Transportation may prescribe the circumstances under which bonus installments may be terminated under this paragraph.".

37 USC 308 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any bonus paid under section 308 of title 37, United States Code, to a person in connection with the reenlistment or extension of the term of enlistment of the person in the Armed Forces on or after the date of the enactment of this Act.

SEC. 616. EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVE

Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1993".

SEC. 617. RETENTION BONUS FOR OPTOMETRISTS

(a) RETENTION BONUS AUTHORIZED.—Section 302a of title 37, United States Code, is amended—

(1) by inserting "(a) REGULAR SPECIAL PAY.—" before "Each"; and

(2) by adding at the end the following new subsection:

"(b) RETENTION SPECIAL PAY.—(1) Under regulations prescribed under section 303a(a) of this title, an officer described in paragraph (2) may be paid retention special pay of not more than $6,000 for any twelve-month period during which the officer is not undergoing an internship or initial residency training.

"(2) An officer referred to in paragraph (1) is an officer of an armed force who—

"(A) is entitled to special pay under subsection (a);

"(B) has completed any initial active-duty service commitment incurred for education and training; and

"(C) is determined by the Secretary of the military department concerned to be qualified as an optometrist.

"(3) An officer may not be paid retention special pay under paragraph (1) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(4) The Secretary of the military department concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). If such eligibility is terminated, the officer concerned shall receive such special pay only for the part of the period of active duty that the officer served and may be required to refund any amount in excess of that amount.".

37 USC 302a note.

(b) Implementation of Amendment.—The Secretary of Defense may not implement subsection (b) of section 302a of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) justifying the need of the military departments for the authority provided in such subsection; and

(2) describing the manner in which that authority will be implemented.

SEC. 618. PROVISION OF BOARD CERTIFICATION SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS

(a) Special Pay Authorized.—Section 302c of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) Nonphysician Health Care Providers.—The Secretary of Defense may authorize the payment of special pay at the rates specified in subsection (b) to an officer who—

"(1) is an officer in the Medical Services Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

"(2) is a health care provider (other than a psychologist);

"(3) has a postbaccalaureate degree; and

"(4) is certified by a professional board in the officer's specialty.".

37 USC 302c note.

(b) Implementation of Amendment.—The Secretary of Defense may not implement subsection (d) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) justifying the need of the military departments for the authority provided in such subsection; and

(2) describing the manner in which that authority will be implemented.

(c) Clerical Amendments.—(1) The heading of section 302e of title 37, United States Code, is amended to read as follows:

"§ 302c. Special pay: psychologists and nonphysician health care providers

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking out the item relating to section 302c and inserting in lieu thereof the following:

"302c. Special pay: psychologists and nonphysician health care providers.".

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 621. PERMANENT AUTHORITY TO PAY MEMBERS FOR LABOR FURNISHED IN CONNECTION WITH THE TRANSPORTATION OF BAGGAGE AND HOUSEHOLD GOODS

37 USC 406 and note.

Subsection (b) of section 614 of the Department of Defense Authorization Act, 1986 (37 U.S.C. note) is repealed. The amendments made by subsection (a) of that section are hereby revived effective as of October 1, 1989.

SEC. 622. BAGGAGE AND HOUSEHOLD WEIGHT ALLOWANCE FOR CADETS AND MIDSHIPMEN

(a) IN GENERAL.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(E) Under regulations prescribed by the Secretary of Defense, cadets at the United States Military Academy and the United States Air Force Academy, and midshipmen at the United States Naval Academy shall be entitled, in connection with a change of temporary or permanent station, to transportation of baggage and household effects as provided in subparagraph (A) of this paragraph. The weight allowance for such cadets and midshipmen shall be 350 pounds.".

37 USC 406 note.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall be applicable to baggage and household effects transported on or after the date of the enactment of this Act.

PART D—MISCELLANEOUS

SEC. 631. DELAY IN EFFECTIVE DATE OF OPTIONAL HIGH-TIER SURVIVOR BENEFIT PLAN COVERAGE AND OPEN ENROLLMENT PERIOD

The Military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101-189) is amended—

10 USC 1331 note, note prec. 1431, 1456 note.

(1) in section 1404 (103 Stat. 1579), by striking out "October 1, 1991" in subsections (a)(1), (a)(2), and (b)(3) and inserting in lieu thereof "April 1, 1992"; and

10 USC 1448 note.

(2) in section 1405(f) (103 Stat. 1587), by striking out "October 1 1991" and inserting in lieu thereof "April 1, 1992".

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE SERVICES

SEC. 701. PROVISION OF PAP SMEARS AND MAMMOGRAMS UNDER CHAMPUS

(a) CARE AUTHORIZED.—Section 1079(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: ", except that pap smears and mammograms may be provided on a diagnostic or preventive basis".

10 USC 1079 note.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to the provision of pap smears and mammograms under section 1079 or 1086 of title 10, United States Code, on or after the date of the enactment of this Act.

best copy available

pages tightly bound

SEC. 702. REPEAL OF THE LIMITATION ON THE PAYMENT OF SERVICES OF MARRIAGE AND FAMILY THERAPISTS AS A MEDICAL EXPENSE

(a) REPEAL OF LIMITATION.—Section 1079(a) of title 10, United States Code, is amended—

(1) in paragraph (8)—

(A) by inserting "(other than certified marriage and family therapists) after "marital counselors"; and

(B) by adding before the semicolon the following: "and services of certified marriage and family therapists may be provided consistent with such rules as may be prescribed by the Secretary of Defense, including credentialing criteria and a requirement that the therapists accept payment under this section as full payment for all services provided"; and

(2) in paragraph (13), by inserting "certified marriage and family therapist," after "psychologist,".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to the services of certified marriage and family therapists provided under section 1079 or 1086 of title 10, United States Code, on or after the date of the enactment of this Act. 10 USC 1079 note.

SEC. 703. MENTAL HEALTH SERVICES

(a) REDUCTION IN AUTHORIZED INPATIENT CARE.—Subsection (a)(6) of section 1079 of title 10, United States Code, is amended by striking out "in excess of 60 days in any year;" and inserting in lieu thereof the following: "in excess of—

"(A) 30 days in any year, in the case of a patient 19 years of age or older;

"(B) 45 days in any year, in the case of a patient under 19 years of age; or

"(C) 150 days in any year, in the case of inpatient mental health services provided as residential treatment care;".

(b) MANAGEMENT OF MENTAL HEALTH SERVICES.—Subsection (i) of such section is amended to read as follows:

"(i)(1) The limitation in subsection (a)(6) does not apply in the case of inpatient mental health services—

"(A) provided under the program for the handicapped under subsection (d);

"(B) provided as partial hospital care; or

"(C) provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

"(2) Notwithstanding subsection (b) or section 1086(b) of this title, the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this section or section 1086 of this title. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries.

"(3) Except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this section or section 1086 of this title. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.".

(c) Plan for Reducing Mental Health Services Costs.—Not later than February 1, 1991, the Secretary of Defense shall submit to the Congress a plan to reduce the costs incurred by the Department of Defense to provide mental health services under the Civilian Health and Medical Program of the Uniformed Services. The plan shall include a legislative proposal to implement the recommendation of the Secretary.

10 USC 1079 note. (d) Effective Date.—This section and the amendments made by this section shall take effect on February 15, 1991, and shall apply with respect to mental health services provided under section 1079 or 1086 of title 10, United States Code, on or after that date.

Part B—Health Care Management

10 USC 115 note.

SEC. 711. LIMITATION ON REDUCTIONS IN MEDICAL PERSONNEL

(a) Limitation on Reduction.—The Secretary of Defense may not reduce the number of medical personnel below the number of such medical personnel serving on September 30, 1989, unless the Secretary of Defense—

(1) certifies to the Congress that—

(A) the number of such personnel being reduced is excess to the current and projected needs of the military departments; and

(B) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services; and

(2) in the case of military personnel, includes in the certification the information specified in subsection (b).

(b) Information Required.—A certification made by the Secretary of Defense in compliance with subsection (a)(2) shall include the following:

(1) The strength levels for the individual category of medical personnel involved in the reduction as of September 30, 1989.

(2) The projected requirements of the Department of Defense over the five-fiscal year period following the fiscal year in which the certification is submitted for medical personnel in the category of medical personnel involved in the reduction.

(3) The strength level recommended for each component of the Armed Forces for the most recent fiscal year for which the Secretary submitted recommendations pursuant to section 115a(g)(1) of title 10, United States Code (as added by section 1483), for personnel in the category of medical personnel involved in the reduction.

(c) Definitions.—For purposes of this section:

(1) The term "medical personnel" has the meaning given that term in section 115a(g)(2) of title 10, United States Code (as added by section 1483), except that such term includes civilian personnel of the Department of Defense assigned to military medical facilities.

(2) The term "category of medical personnel" means—

(A) each corps referred to in subparagraphs (A) and (C) of section 115a(g)(2) of such title (as added by section 1483);

(B) each designation referred to in subparagraph (B) of such section;

(C) the enlisted personnel referred to in subparagraph (D) of such section; and

(D) other medical personnel designated as medical personnel by the Secretary pursuant to subparagraph (E) of such section, if any.

SEC. 712. INCREASE IN ANNUAL DEDUCTIBLES UNDER CHAMPUS FOR CERTAIN COVERED BENEFICIARIES

(a) Dependents Covered by Section 1079.—(1) Subsection (b)(2) of section 1079 of title 10, United States Code, is amended—

(A) by striking out "$50" and inserting in lieu thereof "$150"; and

(B) by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a dependent of an enlisted member in a pay grade below E-5, the initial deductible each fiscal year under this paragraph shall be limited to $50.".

(2) Subsection (b)(3) of such section is amended by striking out "$100" and inserting in lieu thereof "$300 (or in the case of the family group of an enlisted member in a pay grade below E-5, the first $100)".

(b) Other Covered Beneficiaries.—(1) Subsection (b)(1) of section 1086 of such title is amended by striking out "$50" and inserting in lieu thereof "$150".

(2) Subsection (b)(2) of such section is amended by striking out "$100" and inserting in lieu thereof "$300".

(c) Application of Amendments.—The amendments made by this section shall apply with respect to health care provided under sections 1079 and 1086 of title 10, United States Code, on or after April 1, 1991. 10 USC 1079 note.

SEC. 713. COLLECTION FROM THIRD-PARTY PAYERS OF REASONABLE COSTS OF HEALTH CARE SERVICES INCURRED ON BEHALF OF RETIRED PERSONS AND DEPENDENTS

(a) Collection for Outpatient Care.—(1) Subsections (a)(1), (a)(2), (c), (i), and (g) of section 1095 of title 10, United States Code, are each amended by striking out "inpatient hospital care" and inserting in lieu thereof "health care services".

(b) Computation of Reasonable Costs.—Subsection (f) of such section is further amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) all-inclusive per visit rates;

"(3) diagnosis-related groups; or".

(c) Additional Third-Party Payers.—Such section is further amended by striking out subsection (h) and inserting in lieu thereof the following new subsections:

"(h) In this section:

"(1) The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier.

"(2) The term 'insurance, medical service, or health plan' includes an insurance plan described as Medicare supplemental insurance.

"(i)(1) In the case of a third-party payer that is an automobile liability insurance or no fault insurance carrier, the right of the United States to collect under this section shall extend to health care services provided to a person entitled to health care under section 1074(a) of this title.

"(2) In cases in which a tort liability is created upon some third person, collection from a third-party payer that is an automobile liability insurance or no fault insurance carrier shall be governed by the provisions of Public Law 87-693 (42 U.S.C. 2651 et seq.).".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Such section is further amended—

(A) in subsection (a)(1) (as amended by subsection (a)), by striking out "covered by section 1074(b), 1076(a), or 1076(b) of this title" and inserting in lieu thereof "covered beneficiary"; and

(B) in subsection (a)(2) (as amended by subsection (a)), by striking out "person covered by section 1074(b), 1076(a), or 1076(b) of this title" and inserting in lieu thereof "covered beneficiary".

(2) The heading of such section is amended to read as follows:

"§ 1095. Health care services incurred on behalf of covered beneficiaries: collection from third-party payers".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1095. Health care services incurred on behalf of covered beneficiaries: collection from third-party payers.".

10 USC 1095 note.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to health care services provided in a medical facility of the uniformed services after the date of the enactment of this Act, but not with respect to collection under any insurance, medical service, or health plan agreement entered into before the date of the enactment of this Act that the Secretary of Defense determines clearly excludes payment for such services. Such an exception shall apply until the amendment or renewal of such agreement after that date.

SEC. 714. INCREASE IN THE PAY LIMIT FOR PERSONAL SERVICES CONTRACTS FOR DIRECT HEALTH CARE PROVIDERS

Section 1091(b) of title 10, United States Code, is amended by striking out "basic pay and allowances authorized by chapters 3 and 7 of title 37 for a commissioned officer" and inserting in lieu thereof "basic pay, special and incentive pays and bonuses, and allowances authorized by chapters 3, 5, and 7 of title 37 for a commissioned officer with comparable professional qualifications".

10 USC 1073 note.

SEC. 715. CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE

(a) CERTIFICATION OF COST-EFFECTIVENESS.—The Secretary of Defense may not proceed with the proposed expansion of the CHAMPUS reform initiative underway in the States of California and Hawaii until not less than 90 days after the date on which the Secretary certifies to the Congress that—

(1) such CHAMPUS reform initiative has been demonstrated to be more cost-effective than the Civilian Health and Medical Program of the Uniformed Services or any other health care demonstration program being conducted by the Secretary;

(2) the contractor selected to underwrite the delivery of health care under the CHAMPUS reform initiative will accomplish the expansion without the disruption of services to beneficiaries under the Civilian Health and Medical Program of the Uniformed Services or delays in the processing of claims; and

(3) such contractor is currently, and projected to remain, financially able to underwrite the CHAMPUS reform initiative.

(b) Report on Certification.—Not later than 30 days after the date on which the Secretary of Defense submits the certification required by subsection (a), the Comptroller General of the United States and the Director of the Congressional Budget Office shall jointly submit to Congress a report evaluating such certification.

(c) CHAMPUS Reform Initiative Defined.—For purposes of this section, the term "CHAMPUS reform initiative" has the meaning given that term in section 702(d)(1) of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note).

SEC. 716. REQUIREMENTS PRIOR TO TERMINATION OF MEDICAL SERVICES AT MILITARY MEDICAL TREATMENT FACILITIES

10 USC 1073 note.

(a) Prohibition.—During the period beginning on the date of the enactment of this Act and ending on September 30, 1995, the Secretary of a military department may not take any action to close a military medical facility under the jurisdiction of that Secretary or reduce the level of care provided at such a medical facility until 90 days after the date on which the Secretary submits to Congress a report described in subsection (b).

(b) Elements of Report.—A report referred to in subsection (a) shall include the following:

(1) The reason for the action.

(2) The projected savings to the Government from the action.

(3) The impact on CHAMPUS and MEDICARE costs in the catchment area of the facility.

(4) The impact on beneficiary cost-sharing.

(5) An examination of alternative ways to provide care to the persons served by the facility that the Secretary determines would not result in adverse consequences to such persons.

(6) An explanation of how care will be provided for and the cost, if any, to those persons to receive such care.

(c) Exception.—Subsection (a) shall not apply with respect to the closing of a military medical facility (or the reduction of the level of care provided at a military medical facility) as a result of a base closure or an operational deployment.

SEC. 717. LIMITATION ON AWARDING CONTRACT FOR FULL PRODUCTION OF MEDICAL INFORMATION SYSTEMS

(a) Limitation.—Subsection (g) of section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), as added by section 733(d) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1122), is amended by striking out "until—" and all that follows through the period and inserting in lieu thereof the following: "until the later of—

"(1) January 1, 1992; and

"(2) 30 days after the date of the submission of the report required under subsection (f).".

(b) Report of Comptroller General.—Subsection (f) of such section is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) whether the operational test and evaluation phase was conducted at a sufficient number of sites and with sufficient software in operation to warrant a full production decision.".

(c) Certification to Expand Use of System.—Such section is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) Limitation on Expansion of Use of System.—(1) The Secretary may not authorize the use of the Composite Health Care System to replace an Independent Operating Capability system in any military medical treatment facility that is not involved in the operational test and evaluation phase referred to in subsection (b) on the date of the enactment of this amendment until the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that use of the Composite Health Care System in that facility is the most cost-effective method for maintaining automated operations at the facility.

"(2) A certification required under paragraph (1) shall include the following assurances:

"(A) The Secretary has successfully tested the software version of the Composite Health Care System at several military medical treatment facilities that are representative of the facility at which the software will be used.

"(B) The Secretary has stabilized the software to be used at that facility in order to eliminate all critical system incidents.

"(C) The Secretary has properly sized the hardware to be installed at that facility to ensure adequate capacity when the full configuration of the system is installed at that military medical treatment facility.

"(D) The installation of the system at that facility will not adversely affect contractor capabilities for continuing the operational test and evaluation phase of the system at the military medical treatment facilities involved in that phase.

"(3) The limitation contained in paragraph (1) shall apply until the awarding of a contract for full production of a medical information system for use in all military medical treatment facilities.".

SEC. 718. UNIFORMED SERVICES TREATMENT FACILITIES

(a) Delay of Termination Effective Date.—Subsection (e) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out "1990" and inserting in lieu thereof "1993".

(b) Limitation on Expenditures.—Such section is further amended—

42 USC 248c. (1) by redesignating subsection (f) as subsection (g); and

oy inserting after subsection (e) the following new sub-
n:

TATION ON EXPENDITURES.—The total amount of expendi- 42 USC 248d.
carry out this section and section 911 of the Military
on Authorization Act, 1982 (42 U.S.C. 248c), may not
4,000,000 for fiscal year 1991.".

AGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Not
September 30, 1991, the Secretary of Defense shall com-
tiations with the Uniformed Services Treatment Facilities
implementation of a managed-care delivery and re-
ent model that will continue to utilize the Uniformed
reatment Facilities in the military health care delivery

.E VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

RT A—ACQUISITION MANAGEMENT IMPROVEMENT

**VISORY PANEL ON STREAMLINING AND CODIFYING ACQUISI-
TION LAWS** 10 USC 2301 note.

BLISHMENT.—Not later than January 15, 1991, the Under
of Defense for Acquisition shall establish under the
of the Defense Systems Management College an ad-
l on streamlining and codifying acquisition laws.

BERSHIP.—The panel shall be composed of at least nine
who are recognized experts in acquisition laws and
nt policy. In making appointments to the advisory panel,
Secretary shall ensure that the members of the panel
rse experiences in the public and private sectors.

.—The panel shall—

view the acquisition laws applicable to the Department
nse with a view toward streamlining the defense acquisi-
ocess;

ake any recommendations for the repeal or amendment
laws that the panel considers necessary, as a result of
view, to—

A) eliminate any such laws that are unnecessary for the
ablishment and administration of buyer and seller rela-
nships in procurement;

B) ensure the continuing financial and ethical integrity
lefense procurement programs; and

C) protect the best interests of the Department of De-
se; and

repare a proposed code of relevant acquisition laws.

T.—(1) Not later than December 15, 1992, the advisory
transmit a final report on the actions of the panel to the
etary of Defense for Acquisition.

inal report shall contain a detailed statement of the
l conclusions of the panel, the proposed codification of
laws prepared pursuant to subsection (c), and such addi-
mendations for such legislation as the Panel considers

cretary of Defense shall transmit the final report of the
etary of Defense for Acquisition, together with such

comments as he deems appropriate, to the congressional defense committees not later than January 15, 1993.

SEC. 801. AUTHORITY GOVERNING OPERATION OF WORKING-CAPITAL FUNDED ACTIVITIES

Section 2208(i) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (2); and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraph:

"(1) Regulations under subsection (h) shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured articles or services to a person outside the Department of Defense if—

"(A) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(i) for use in developing new products;

"(ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(iii) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(iv) for use in commercial products;

"(B) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(C) the article or service is not readily available to the purchaser from a commercial source in the United States in a timely manner that meets the requirements of the purchaser;

"(D) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(E) in the case of services, the services are related to an article authorized to be sold under this subsection and are to be performed in the United States for the purchaser.".

SEC. 802. PROCEDURES FOR CONTRACT SOLICITATION AND EVALUATION

(a) STATEMENT OF SIGNIFICANT FACTORS.—(1) Clause (i) of section 2305(a)(2)(A) of title 10, United States Code, is amended—

(A) by inserting "(and significant subfactors)" after "significant factors"; and

(B) by striking out "(including cost or price)" and inserting in lieu thereof the following: "(including cost or price, cost- or price-related factors, and noncost- or nonprice-related factors)".

(2) Clause (ii) of such section is amended by inserting "(and subfactors)" after "those factors".

(b) STATEMENT RELATING TO DISCUSSIONS.—Subclause (I) of section 2305(a)(2)(B)(ii) of title 10, United States Code, is amended to read as follows:

"(I) a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification), unless discussions are determined to be necessary; and".

IVE IMPORTANCE OF EVALUATION FACTORS.—Paragraph (3)
2305(a) of title 10, United States Code, is amended by
t "the quality of the services" and inserting in lieu
e evaluation factors and subfactors, including the quality
uct or services".

JATION OF SEALED BIDS AND COMPETITIVE PROPOSALS.—(1)
(1) of section 2305(b) of title 10, United States Code, is
y inserting "and make an award" after "competitive

raph (3) of such section is amended in the second sen-
serting "in accordance with paragraph (1)" after "shall
e bids".

raph (4) of such section is amended—
n subparagraph (A), by striking out "competitive propos-
d all that follows and inserting in lieu thereof "competi-
oposals in accordance with paragraph (1) and may award
act—
'(i) after discussions with the offerors, provided that
itten or oral discussions have been conducted with all
ponsible offerors who submit proposals within the
npetitive range; or
'(ii) based on the proposals received, without discussions
h the offerors (other than discussions conducted for the
rpose of minor clarification) provided that the solicitation
luded a statement that proposals are intended to be
luated, and award made, without discussions, unless
cussions are determined to be necessary.";
striking out subparagraphs (B) and (C);
y redesignating subparagraph (D) as subparagraph (B);

y redesignating subparagraph (E) as subparagraph (C)
that subparagraph striking out "Subparagraph (D)" and
g in lieu thereof "Subparagraph (B)".

TIVE DATE.—(1) Except as provided in paragraph (2), the 10 USC 2305 note.
s made by this section shall apply with respect to solici-
sealed bids or competitive proposals issued after the end
ay period beginning on the date of the enactment of this

cretary of Defense may require the amendments made
on to apply with respect to solicitations issued before the
period referred to in paragraph (1). The Secretary of Federal Register, publication.
ll publish in the Federal Register notice of any such
tive date.

TIFIED COST OR PRICING DATA THRESHOLD

ASE IN THRESHOLD FOR CERTIFIED COST OR PRICING
Section 2306a(a)(1) of title 10, United States Code, is
follows:
ubparagraph (A) of such section is amended by striking
00,000" and inserting in lieu thereof the following:
00 or, in the case of a contract to be awarded after
er 31, 1995, $100,000".
ubparagraph (B) of such section is amended by striking
00,000" and inserting in lieu thereof the following:
00 (or such lesser amount as may be prescribed by the
the agency) or, in the case of a change or modification to
act to be made after December 31, 1995, $100,000".

(C) Subparagraph (C) of such section is amended by striking out "$100,000" in clause (i) and inserting in lieu thereof the following: "$500,000 or, in the case of a subcontract to be awarded after December 31, 1995, $100,000".

(D) Subparagraph (D) of such section is amended by striking out "$100,000" and inserting in lieu thereof the following: "$500,000 (or such lesser amount as may be prescribed by the head of the agency) or, in the case of a change or modification to be made after December 31, 1995, $100,000".

10 USC 2306a note

(2) The amendments made by this subsection shall apply to—

(A) contracts and subcontracts entered into after the date on which the Secretary of Defense issues guidance under subsection (c); and

(B) modifications or changes to such contracts and subcontracts.

10 USC 2306a note.

(b) Review by Inspector General of the Department of Defense.—(1) After the increase in the threshold for submission of cost or pricing data under section 2306a(a) of title 10, United States Code (as amended by subsection (a)) has been in effect for three years, the Inspector General of the Department of Defense shall conduct a review of the effects of the increase in the threshold.

(2) The review shall address whether increasing the threshold has improved the acquisition process in terms of reduced paperwork, financial or other savings to the government, an increase in the number of contractors participating in the defense contracting process, and the adequacy of information available to contracting officers in cases in which certified cost or pricing data are not required under section 2306a.

Reports.

(3) The Inspector General of the Department of Defense shall submit to the Secretary of Defense a report on the review conducted under paragraph (1). The Secretary of Defense shall submit such report to Congress, along with such comments as the Secretary considers appropriate, upon completion of the report (and comments) but not later than the date on which the President submits the budget to Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 1996.

10 USC 2306a note.

(c) Regulations for Below-Threshold Procurements.—(1) The Secretary of Defense shall prescribe regulations identifying the type of procurements for which contracting officers should consider requiring the submission of certified cost or pricing data under section 2306a(c) of title 10, United States Code.

(2) The Secretary also shall prescribe regulations concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under section 2306a of such title because the price of the procurement to the United States is not expected to exceed $500,000. Such information, at a minimum, shall include appropriate information on the prices at which such offeror has previously sold the same or similar products.

(3) The regulations required under this subsection shall be prescribed not later than six months after the date of the enactment of this Act.

(d) Documentation of Submissions Under Section 2306a(c).—Section 2306a(c) of title 10, United States Code, is amended by adding at the end the following: "In any case in which the head of the agency requires such data to be submitted under this subsection

f the agency shall document in writing the reasons for
ement.".

EPEAL OF REQUIREMENTS RELATING TO COMMERCIAL PRICING FOR SPARE OR REPAIR PARTS

L.—Section 2323 of title 10, United States Code, is hereby

CAL AMENDMENT.—The table of sections for chapter 137
e is amended by striking out the item relating to section

MPETITIVE ALTERNATIVE SOURCE REQUIREMENT

438 of title 10, United States Code, is amended to read as

jor programs: competitive alternative sources

efore full-scale development under a major program
Secretary of Defense shall prepare an acquisition strat-
program.

Government contracts.

Secretary shall ensure that contracts for each major
nd each major subsystem under such major program
d in accordance with the acquisition strategy for such

e acquisition strategy prepared under subsection (a)(1)
e that the Secretary will have the option to use competi-
ative sources for major programs and for major sub-
der the major programs throughout the period from the
f full-scale development through the end of procurement
in which the establishment and maintenance of two or
es—
would—
"(i) likely reduce technological risks associated with the
gram;
"(ii) likely result in reduced costs for such program; or
"(iii) likely result in an improvement in design commen-
ate with the additional cost;
would not result in unacceptable delays in fulfilling the
f the Department of Defense; and
is otherwise in the national security interests of the
States.
arrying out this subsection, the Secretary may provide
quirement for competitive alternative sources of a major
subsystem is satisfied even though the sources for that
ram or subsystem do not develop or produce identical
the systems developed serve similar functions and com-
ely with each other.
s section:
he term 'major program' means a major defense acquisi-
ogram, as such term is defined in section 2430 of this

The term 'major subsystem', with respect to a major
n, means a subsystem of the system developed under the
n, that is purchased directly by the United States and for
—
"(A) the amount for research, development, test, and
luation is 10 percent or more of the amount specified in
tion 2430(2) of this title as the research, development,

test, and evaluation funding criterion for identification of a major defense acquisition program; or

"(B) the amount for procurement is 10 percent or more of the amount specified in section 2430(2) of this title as the procurement funding criterion for identification of a major defense acquisition program.".

SEC. 806. UNIFORM SMALL PURCHASE THRESHOLD FOR VARIOUS REQUIREMENTS APPLICABLE TO FEDERAL GOVERNMENT CONTRACTORS

(a) SMALL PURCHASE THRESHOLD DEFINED.—(1) Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended—

(A) by striking out "and" at the end of paragraph (9);

(B) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(11) the term 'small purchase threshold' means $25,000, adjusted on October 1 of each year divisible by 5 to the amount equal to $25,000 in constant fiscal year 1990 dollars (rounded to the nearest $1,000).".

41 USC 403 note. (2) The first adjustment under section 4(11) of such Act, as amended by paragraph (1), shall be made on October 1, 1995.

(b) AMENDMENTS TO TITLE 10.—Section 2304(g) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold";

(2) in paragraph (3), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold"; and

(3) by adding at the end the following new paragraph:

"(5) In this subsection, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(c) AMENDMENTS TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in paragraph (2), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold";

(2) in paragraph (3), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold"; and

(3) by adding at the end the following new paragraph:

"(5) In this subsection, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(d) ADDITIONAL AMENDMENTS TO THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 18(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)) is amended—

(1) by striking out "$25,000" each place it appears and inserting in lieu thereof "the small purchase threshold"; and

(2) in clause (A)—

(A) by inserting "or" at the end of subclause (i);

(B) by striking out "; or" at the end of subclause (ii) and inserting in lieu thereof a comma; and

(C) by striking out subclause (iii).

(e) AMENDMENTS TO SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended as follows:

(1) Section 3 of such Act is amended by adding at the end the following new subsection: 15 USC 632.

"(m) For purposes of this Act, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(2) Section 8 of such Act is amended— 15 USC 637.

(A) in subsection (d)(2)(A), by striking out "$10,000" and inserting in lieu thereof "the small purchase threshold"; and

(B) in subsection (e)(1)—

(i) by striking out "$25,000" each place it appears and inserting in lieu thereof "the small purchase threshold";

(ii) by inserting "or" at the end of subclause (i) of clause (A);

(iii) by striking out "; or" at the end of subclause (ii) of clause (A) and inserting in lieu thereof a comma; and

(iv) by striking out subclause (iii) of clause (A).

(3) Section 15(j) of such Act is amended by striking out "of less than $25,000" and inserting in lieu thereof "not in excess of the small purchase threshold". 15 USC 644.

SEC. 807. MEMBERSHIP ON FEDERAL ACQUISITION REGULATORY COUNCIL.

Paragraph (2) of section 25(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(b)(2)) is amended by inserting before the semicolon at the end of clause (A) the following: "or, in the case of the Secretary of Defense, an official at an organizational level not lower than an Assistant Secretary of Defense within the Office of the Under Secretary of Defense for Acquisition".

SEC. 808. PROCEDURES APPLICABLE TO MULTIYEAR PROCUREMENT CONTRACTS

(a) Cost Determinations.—Paragraph (1) of section 2306(h) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking out "(other than contracts described in paragraph (6))"; and

(2) in subparagraph (A), by striking out "reduced total costs under the contract" and inserting in lieu thereof "substantial savings of the total anticipated costs of carrying out the program through annual contracts".

(b) Exemptions.—Paragraph (6) of such section is amended by striking out "contracts for the construction, alteration, or major repair of improvements to real property or".

(c) Requirements With Respect to Specifically Authorized Programs.—Paragraph (9) of such section is amended—

(1) by inserting "for a defense acquisition program that has been specifically authorized by law to be carried out using multiyear contract authority" in the matter preceding subparagraph (A) after "under this subsection"; and

(2) by striking out subparagraph (C).

SEC. 809. MAJOR DEFENSE ACQUISITION PILOT PROGRAM

10 USC 2430 note.

(a) Authority To Conduct Pilot Program.—The Secretary of Defense may conduct a pilot program for the purpose of determining the potential for increasing the efficiency and effectiveness of the acquisition process in major defense acquisition programs.

(b) Designation of Participating Programs.—(1) Subject to paragraph (2), the Secretary may designate not more than six major defense acquisition programs for participation in the pilot program.

(2) The Secretary may designate for participation in the pilot program only those major defense acquisition programs specifically authorized to be so designated in a law authorizing appropriations for such program enacted after the date of the enactment of this Act.

(c) Conduct of Pilot Program.—(1) In the case of each major defense acquisition program designated for participation in the pilot program, the Secretary—

(A) shall conduct the program in accordance with standard commercial, industrial practices; and

(B) may waive or limit the applicability of any provision of law that is specifically authorized to be waived in the law authorizing appropriations referred to in subsection (b)(2) and that prescribes—

(i) procedures for the procurement of supplies or services;

(ii) a preference or requirement for acquisition from any source or class of sources;

(iii) any requirement related to contractor performance;

(iv) any cost allowability, cost accounting, or auditing requirements; or

(v) any requirement for the management of, testing to be performed under, evaluation of, or reporting on a major defense acquisition program.

(2) The waiver authority provided in paragraph (1)(B) does not apply to a provision of law if, as determined by the Secretary—

(A) a purpose of the provision is to ensure the financial integrity of the conduct of a Federal Government program; or

(B) the provision relates to the authority of the Inspector General of the Department of Defense.

(d) Designation as Defense Enterprise Program.—The Secretary shall designate each participating major defense acquisition program as a defense enterprise program under section 2436 of title 10, United States Code. The Secretary may waive the applicability of the requirement of this subsection or any provision of such section 2436 to any such acquisition program if he determines that such a waiver is necessary for the purpose of the pilot program.

(e) Regulations.—(1) Not later than 270 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations to implement this section and an invitation for public comment on the proposed regulations. Not later than one year after such date, the Secretary shall promulgate final regulations to implement this section.

(2)(A) The Secretary may not waive or limit the applicability of a law to a major defense acquisition program under subsection (c)(1)(B unless the Secretary first prescribes regulations specifying the waiver or limitation.

(B) In the case of a waiver or limitation of the applicability of a requirement imposed by a statute, including a regulation prescribed to implement such statutory requirement, the following procedures shall apply:

(i) The Secretary shall publish the proposed waiver or limiting regulations and provide an opportunity for public comment on the proposed regulations for a period of not less than 60 days

(ii) If a Federal Government official outside the Department of Defense has the responsibility for implementation of the statute, the Secretary shall consult with such official regarding the proposed waiver or limitation before publishing the proposed waiver or limiting regulations under clause (i).

(3) The Secretary may prescribe separate regulations for one or more major defense acquisition programs designated by the Secretary for participation in the pilot program.

(f) NOTIFICATION AND IMPLEMENTATION.—(1) The Secretary shall transmit to the congressional defense committees a written notification of each major defense acquisition program proposed to be designated by the Secretary for participation in the pilot program.

(2) If the Secretary proposes to waive or limit the applicability of any provision of law to a major defense acquisition program under the pilot program in accordance with this section, the Secretary shall include in the notification regarding that acquisition program—

(A) the provision of law proposed to be waived or limited;

(B) the effects of such provision of law on the acquisition, including specific examples;

(C) the actions taken to ensure that the waiver or limitation will not reduce the efficiency, integrity, and effectiveness of the acquisition process used for the major defense acquisition program; and

(D) specific budgetary and personnel savings, if any, that will result from the waiver or limitation.

(g) LIMITATION ON WAIVER AUTHORITY.—The applicability of the following requirements of law may not be waived or limited under subsection (c)(1)(B) with respect to a major defense acquisition program:

(1) The requirements of this section.

(2) The requirements contained in any law enacted on or after the date of the enactment of this Act if that law designates such major defense acquisition program as a participant in the pilot program, except to the extent that a waiver of such requirement is specifically authorized for such major defense acquisition program in a law enacted on or after such date.

(h) TERMINATION OF AUTHORITY.—The authority to waive or limit the applicability of any law under this section may not be exercised after September 30, 1992.

(i) DEFINITION.—In this section the term "major defense acquisition program" shall have the meaning given such term in section 2430 of title 10, United States Code.

SEC. 810. ACQUISITION OF COMMERCIAL PRODUCTS

Section 2325(a) of title 10, United States Code, is amended—

(1) in paragraph (2) by striking out "and";

(2) in paragraph (3) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) prior to developing new specifications, the Department conducts market research to determine whether nondevelopmental items are available or could be modified to meet agency needs.".

PART B—MODIFICATIONS TO EXISTING LAW

SEC. 811. CLARIFICATION OF SMALL BUSINESS CONCERNS COVERED B SECTION 1207

Section 1207(a) of the Department of Defense Authorization Act 1987 (Public Law 99-661; 10 U.S.C. 2301 note), is amended b amending paragraph (1) to read as follows:

"(1) small business concerns, including mass media an advertising firms, owned and controlled by socially an economically disadvantaged individuals (as such term is used i section 8(d) of the Small Business Act (15 U.S.C. 637(d) an regulations issued under that section), the majority of the earn ings of which directly accrue to such individuals;".

SEC. 812. ADDITIONAL PROHIBITION ON CONVICTED INDIVIDUALS

(a) ADDITIONAL PROHIBITIONS ON INDIVIDUALS CONVICTED OF FEL NIES RELATED TO DEFENSE CONTRACTS.—Paragraph (1) of sectio 2408(a) of title 10, United States Code, is amended—

(1) by inserting "or any first tier subcontract of a defens contract" before the period at the end of subparagraph (A

(2) by inserting "or any subcontractor awarded a contrac directly by a defense contractor" before the period at the end o subparagraph (B);

(3) by inserting "or any subcontractor awarded a contrac directly by a defense contractor" before the period at the end o subparagraph (C); and

(4) by inserting "or first tier subcontract of a defense con tract" before the period at the end of subparagraph (D).

(b) RELATED CRIMINAL PENALTY.—Section 2408(b) of such title i amended by inserting "or subcontractor" after "contractor" eac place it appears.

SEC. 813. DISCLOSURE REQUIREMENT RELATING TO SUBCONTRACTOR

Section 2393 of title 10, United States Code, is amended by addin at the end the following new subsection:

Regulations.

"(d) The Secretary of Defense shall prescribe in regulations requirement that each contractor under contract with the Depart ment of Defense shall require each contractor to whom it awards contract (in this section referred to as a subcontractor) to disclose t the contractor whether the subcontractor is or is not, as of the tim of the award of the subcontract, debarred or suspended by th Federal government from Government contracting or subcontract ing. The requirement shall apply to any subcontractor whos subcontract is in an amount above the small purchase amoun established in section 2304(g) of this title.".

SEC. 814. AUTHORITY TO USE FUNDS FOR ADMINISTRATIVE COSTS O PROCUREMENT TECHNICAL ASSISTANCE PROGRAM

(a) AUTHORITY.—(1) Chapter 142 of title 10, United States Code, i amended—

(A) by redesignating section 2417 as section 2418; and

(B) by inserting after section 2416 the following new section

"§ 2417. Administrative costs

"The Director of the Defense Logistics Agency may use, out of the amount appropriated for a fiscal year for operation and mainte nance for the procurement technical assistance program authorize by this chapter, an amount not exceeding three percent of such amount to defray the expenses of administering the provisions of this chapter during such fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2417 and inserting in lieu thereof the following:

"2417. Administrative costs.
"2418. Regulations.".

10 USC 2417 note.

(b) Effective Date.—Section 2417 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal year 1991 and each fiscal year thereafter.

SEC. 815. POST-EMPLOYMENT RULES.

(a) Suspension of Effect of Certain Provisions of Law.—The following provisions of law shall have no force or effect during the period beginning on December 1, 1990 and ending on May 31, 1991:

(1) Subsection (f) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)). 41 USC 423 note.

(2) Sections 2397a and 2397b of title 10, United States Code. 10 USC 2397a note, 2397b note.

(3) Section 281 of title 18, United States Code. 18 USC 281 note.

(4) Sections 603 through 606, subsections (a) and (b) of section 607, and subsections (a) and (c) of section 608 of the Department of Energy Organization Act (42 U.S.C. 4101 et seq.). 42 USC 7213 note, 7214 note, 7215 note, 7216 note, 7217 note, 7218 note.

41 USC 423 note.

(b) Clarification of Frequency of Certification by Employees of Contractors.—Not later than 30 days after the date of the enactment of this Act, the regulations implementing section 27(e)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)(1)(B)) shall be revised to ensure that a contractor is required to obtain from each officer, employee, agent, representative, and consultant of the contractor only one certification (as described in clauses (i) and (ii) of that section) during the person's employment or association with the contractor and that such certification shall be made at the earliest possible date after the person begins his or her employment or association with the contractor.

Part C—Defense Industrial and Technology Base

SEC. 821. ANNUAL DEFENSE CRITICAL TECHNOLOGIES PLAN

(a) Increased Information Relating to Funding.—Section 2508(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by inserting at the end the following new paragraphs:

"(3) identify each program element (contained in the budget information submitted to Congress by the Department of Defense in support of the budget submitted by the President pursuant to section 1105(a) of title 31 for the first fiscal year covered by the plan) for which funds are budgeted for the support of the development of any critical technology identified in the plan; and

"(4) for each such program element—

"(A) specify the amount included for each critical technology covered by the program element; and

"(B) include a comparison of that amount with the amount, if any, available to the Department of Defense for development of such critical technology for the fiscal year preceding the first fiscal year covered by the plan.".

10 USC 2508 note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to annual defense critical technologies plans submitted after March 1, 1991.

42 USC 6686.

SEC. 822. CRITICAL TECHNOLOGIES INSTITUTE

(a) ESTABLISHMENT.—There shall be established a federally funded research and development center to be known as the "Critical Technologies Institute" (hereinafter referred to in this section as the "Institute").

(b) INCORPORATION.—The Institute shall be incorporated as a nonprofit membership corporation.

(c) BOARD OF TRUSTEES.—(1) The Institute shall have a Board of Trustees (hereafter referred to in this section as the "Board") composed of 21 members as follows:

(A) The Director of the Office of Science and Technology Policy, who shall be Chairman of the Board.

(B) The Secretary of Defense, or the Secretary's designee.

(C) The Secretary of Energy, or the Secretary's designee.

(D) The Secretary of Health and Human Services, or the Secretary's designee.

(E) The Secretary of Commerce, or the Secretary's designee.

(F) The Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(G) The Director of the National Science Foundation, or the Director's designee.

(H) Four members appointed by the Director of the Office of Science and Technology Policy from among the members of the Federal Coordinating Council on Science, Engineering, and Technology (other than members of such council named in subparagraphs (B) through (G)).

(I) Ten members appointed by the members of the Board referred to in subparagraphs (A) through (H) from among representatives of industry and colleges and universities in the United States.

(2)(A) The term of service of members of the Board appointed under paragraph (1)(H) shall be four years, except that of the four members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years, as specified by the Director of the Office of Science and Technology Policy at the time of the appointments.

(B) The term of office for each of the members of the Board appointed under paragraph (1)(I) shall be specified by the appointing members of the Board at the time of appointment.

(C) Members of the Board may be reappointed.

(D) A vacancy in a membership of the Board appointed pursuant to subparagraph (H) or (I) of paragraph (1) shall be filled in the same manner as the original appointment. A member appointed under this subparagraph shall serve for the remainder of the unexpired term of his predecessor.

(3) The Board shall meet at least twice each year.

(4)(A) The Board shall have an executive committee composed of the members referred to in subparagraphs (A) through (G) of paragraph (1) and six of the members appointed pursuant to subparagraph (I) of such paragraph.

(B) The executive committee shall meet at least six times each year.

(5) A member of the Board who is an officer or employee of the United States may not receive pay for service as a member, other than the pay provided for the member's position as an officer or employee of the United States.

(d) Duties of the Institute.—The Institute shall—

(1) survey the views of United States industry, colleges, and universities, and Federal and State agencies, involved in research, development, or utilization of critical technologies on—

(A) each critical technology identified in the most recent biennial report of the National Critical Technologies Panel established pursuant to section 601 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6681); and

(B) each technology that the Institute considers critical on the basis of its analysis of national and worldwide trends in basic and applied research and development;

(2) on the basis of such views and analysis by Institute personnel—

(A) identify suitable near-term, mid-term, and long-term national objectives for the research, development, and production capability of the United States with respect to such technologies; and

(B) prepare possible strategies for achieving the identified objectives, including a discussion of the appropriate roles of industry, colleges and universities, and Federal and State agencies;

Reports.

(3) publish reports, as appropriate, discussing—

(A) such national objectives and strategies; and

(B) progress in implementing such strategies and achieving such objectives; and

(4) at the direction of the Director of the Office of Science and Technology Policy, provide technical support and assistance regarding policy formulation to the committees and panels of the Federal Coordinating Council for Science, Engineering, and Technology that are responsible for planning and coordinating Federal Government activities that advance the development of critical technologies and sustain and strengthen the science and technology base of the United States.

(e) Sponsorship.—(1) The Director of the Office of Science and Technology shall be the sponsor of the Institute.

Government contracts.

(2) The Director and the Board shall enter into a sponsor agreement consistent with the requirements prescribed by the Administrator for Federal Procurement Policy that are generally applicable to sponsor agreements.

(3) The sponsor agreement shall—

(A) require the Institute to perform such functions for the Office of Science and Technology Policy as the Director of that office may specify consistent with the requirements of subsection (d); and

(B) permit the Institute, subject to the concurrence of the Director, to perform functions for the member agencies of the Federal Coordinating Council on Science, Engineering, and Technology Policy.

(f) Deadline for Certain Actions.—The Director of the Office of Science and Technology Policy shall take such actions as may be necessary to ensure that, not later than 90 days after the date of the enactment of this Act—

(1) the articles of incorporation for the Institute have been appropriately filed;

(2) the corporate bylaws have been adopted;

(3) the Board members have been identified or appointed, as appropriate;

(4) the initial officers of the Institute have been elected;

(5) the first regular business meeting of the Board has been conducted; and

(6) the sponsor agreement referred to in subsection (e) has been entered into.

(g) FUNDING.—(1) Subject to such limitations as may be provided in appropriation Acts, the Secretary of Defense shall make available to the Director of the Office of Science and Technology Policy, out of funds available for the Department of Defense, $5,000,000 for funding the activities of the Institute in the first fiscal year in which the Institute begins operations.

(2) There is authorized to be appropriated for the Institute for each fiscal year after the fiscal year referred to in paragraph (1) such sums as may be necessary for operation of the Institute.

SEC. 823. MANUFACTURING TECHNOLOGY

(a) IN GENERAL.—Title 10, United States Code, is amended—

(1) by redesignating chapter 149 as chapter 150;

(2) by redesignating section 2511 as section 2521; and

(3) by inserting after chapter 148 the following new chapter:

"CHAPTER 149—MANUFACTURING TECHNOLOGY

"Sec.
"2511. Definitions.
"2512. Management and planning.
"2513. National Defense Manufacturing Technology Plan.
"2514. Research and implementation.
"2515. Computer-integrated manufacturing technology.
"2516. Concurrent engineering.
"2517. Manufacturing extension programs.

"§ 2511. Definitions

"In this chapter:

"(1) The term 'manufacturing technology' means development of techniques and processes designed to improve manufacturing quality, productivity, and practices, including quality control, shop floor management, inventory management and worker training, as well as manufacturing equipment and software.

"(2) The term 'manufacturing extension programs' means publicly-chartered organizations and services to transfer technology and help modernize small manufacturers through research, education and training, and outreach activities.

"§ 2512. Management and planning

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall—

"(1) provide centralized Department of Defense policy guidance and direction to the military departments and the Defense Agencies on all matters relating to manufacturing technology; and

) direct the development and implementation of Depart-
of Defense plans, programs, projects, and policies that
ote the development and application of advanced tech-
;ies to manufacturing processes, tools, and equipment.

ational Defense Manufacturing Technology Plan

e Secretary of Defense, in coordination with the Secretary
erce and the Secretary of Energy, shall develop and imple-
ational Defense Manufacturing Technology Plan (hereafter
ction referred to as the 'Plan'). Subject to the authority,
and control of the Secretary of Defense, the Under Sec-
Defense for Acquisition shall perform the duty of the
under this subsection.
e Plan shall—
) provide guidance (formulated in coordination with the
rtment of Commerce and other relevant public and private
izations) to the military departments and Defense Agen-
nd to the Department of Energy on the goals, priorities,
pproaches to be taken in the defense manufacturing tech-
y program;
) provide a link between the manufacturing technology
am and the industrial preparedness programs conducted
e Department of Defense and similar and related activities
rtaken by government or the private sector, including
ams, projects and activities carried out by the Secretary of
nerce pursuant to section 25 of the Act of March 3, 1901 (15
. 278k) and section 5121(b) of the Omnibus Trade and
etitiveness Act of 1988 (15 U.S.C. 278l note);
) contain an analysis of the role of manufacturing exten-
ervices in—
"(A) improving the manufacturing quality, productivity,
echnology, and practices of defense industry subtier suppli-
rs; and
"(B) disseminating to such suppliers such Department of
efense manufacturing concepts as best manufacturing
ractices, product data exchange specifications, computer-
ided acquisition and logistics support, and rapid acquisi-
ion of manufactured parts; and
) contain a description of how the Secretary of Defense will
inate with each Federal agency and department in im-
enting the Plan.
developing the Plan, the Secretaries referred to in subsec-
hall consider and use, as appropriate, reports and studies
by Federal agencies and departments, the Office of Tech-
ssessment, the National Research Council, the Defense
oard, industrial associations and organizations, and other

e manufacturing technology program conducted by the
nt of Defense may include only the projects and activities
covered by the Plan and any projects or activities that, as
ed by the Secretary of Defense, have a higher priority than
ts and activities covered by the Plan.

esearch and implementation

cretary of Defense, acting through the Under Secretary of
or Acquisition, and in coordination with the Secretary of
e, the Secretary of Energy, and other relevant Federal

departments and agencies, shall enhance basic research in scienti
disciplines relating to manufacturing technology—

"(1) by promoting research on those technologies applicable
improving manufacturing processes in colleges and universit
in the United States, and in associated centers of excellen
and

"(2) by creating technology transfer and education and tra
ing mechanisms to ensure that the results of this research
readily available to United States industry.

"§ 2515. Computer-integrated manufacturing technology

"The Secretary of Defense, acting through the Under Secretary
Defense for Acquisition, and in coordination with the Secretary
Commerce and the Secretary of Energy, shall promote the
of computer-integrated manufacturing in order to improve manu
turing quality, reduce manufacturing costs, and reduce product
lead times.

"§ 2516. Concurrent engineering

"The Secretary of Defense, acting through the Under Secretar
Defense for Acquisition, shall enhance Department of Defense
of concurrent engineering practices in the design and developm
of weapon systems.

"§ 2517. Manufacturing extension programs

"The Secretary of Defense, acting through the Under Secretar
Defense for Acquisition, and in coordination with the Secretar
Commerce and the Secretary of Energy, shall promote the impro
ment of the subtier defense industry through use of manufactur
extension programs and other existing organizations chartered
help small manufacturers for the purpose of disseminating s
Department of Defense manufacturing concepts as best manufac
ing practices, product data exchange specification, computer-ai
acquisition and logistics support, and rapid acquisition of manu
tured parts. Manufacturing extension programs so used shall
clude programs carried out by the Secretary of Commerce pursu
to section 25 of the Act of March 3, 1901 (15 U.S.C. 278k) and sect
5121(b) of the Omnibus Trade and Competitiveness Act of 1988
U.S.C. 2781 note).".

(b) TECHNICAL AMENDMENTS.—(1) The table of chapters at
beginning of subtitle A of title 10, United States Code, and
beginning of part IV of such subtitle are each amended by stri
out the item relating to chapter 149 and inserting in lieu thereof
following new items:

"149. Maufacturing Technology ....
"150. Issue to Armed Forces ....

(2) The table of sections at the beginning of chapter 150 of s
title, as redesignated by subsection (a) of this section, is amende
striking out the item relating to section 2511 and inserting in
thereof the following:

"2521. Reserve components: supplies, services, and facilities.".

SEC. 824. INDEPENDENT RESEARCH AND DEVELOPMENT ENHANCEMENT

(a) REVISION AND CODIFICATION OF PROVISION RELATING TO ALLOWABILITY OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

“§2372. Independent research and development

Regulations.

“(a) The Secretary of Defense shall prescribe regulations governing the payment, by the Department of Defense, of independent research and development costs or bid and proposal costs.

“(b) Payment may be made for independent research and development costs or bid and proposal costs when work for which payment is made is of potential interest to the Department of Defense.

“(c) The regulations shall encourage contractors to engage in research and development activities that—

“(1) strengthen the defense industrial and technology base of the United States;

“(2) enhance the industrial competitiveness of the United States;

“(3) promote the development of technologies identified as critical under section 2508 of this title;

“(4) increase the development of technologies useful for both the private commercial sector and the public sector; and

“(5) develop efficient and effective technologies for achieving such environmental benefits as improved environmental data gathering, environmental cleanup and restoration, pollution-reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

Government contracts.

“(d)(1) Subject to paragraph (3), for each fiscal year following a fiscal year in which independent research and development costs or bid and proposal costs incurred by a person were paid by the Department of Defense in a total amount exceeding $7,000,000, the Secretary of Defense shall enter into an advance agreement with such person regarding the manner and extent to which the Department of Defense may pay independent research and development costs or bid and proposal costs incurred by such person. If such person is a business entity that has a product division that received payments for such costs from the Department of Defense in a total amount exceeding $700,000 during such preceding fiscal year, the Secretary may enter into an advance agreement, regarding payment of the independent research and development costs and bid and proposal costs incurred by such product division.

“(2) The agreement shall include the following provisions:

“(A) The maximum amount of the costs incurred by such person in that fiscal year that the Department may pay.

“(B) The costs that are payable under the agreement, which may be only those costs that are incurred in connection with work referred to in subsection (b) or the attainment of benefits described in subsection (c).

“(3) If a person referred to in paragraph (1) does not enter into an advance agreement with the Secretary under paragraph (1) for a fiscal year, the payment of the independent research and development costs and bid and proposal costs incurred by such person during such fiscal year shall be subject to such limitations as the Secretary of Defense may prescribe in the regulations under subsection (a).

"(4) On October 1, 1994, and October 1 of each third year ther
after, the Secretary may adjust the amounts in paragraph (1)
reflect changes in one or more economic indices that the Secreta
considers appropriate for use in making adjustments under th
paragraph.

"(5) The provisions of this section shall apply only to contracts
which the submission and certification of cost or pricing data a
required in accordance with section 2306a of this title.".

(2) The table of sections at the beginning of such chapter
amended by adding at the end the following new item:

"2372. Independent research and development.".

(b) Repeal of Superseded Provision.—Section 203 of Public L
91-441 (10 U.S.C. 2358 note) is repealed.

SEC. 825. ANNUAL REPORT ON ACTIVITIES RELATING TO DEFEN INDUSTRIAL BASE

(a) Defense Industrial Base Annual Report.—Chapter 148
title 10, United States Code, is amended by inserting after secti
2508 the following new section:

"§ 2509. Defense industrial base annual report

"(a) Annual Report Requirement.—The Secretary of Defen
(acting through the Under Secretary of Defense for Acquisition),
consultation with the Secretary of Commerce (acting through t
Under Secretary of Commerce for Export Administration), sh
submit to the Committees on Armed Services of the Senate a
House of Representatives an annual report on—

"(1) the actions taken pursuant to this chapter for t
improvement of the defense industrial base of the Unit
States; and

"(2) the effects of defense budgets and plans on the ability
the United States defense industrial base to meet the nation
security needs of the United States.

"(b) Financial Ability Analysis.—The report required by th
section shall include an analysis of the condition of the defen
industrial base of the United States, particularly with respect to t
financial ability of United States businesses—

"(1) to conduct research and development activities relating
critical defense technologies, including the critical technolog
identified in the annual defense critical technologies pl
submitted pursuant to section 2508 of this title in the year
which the annual report is submitted;

"(2) to apply those technologies to the production of goods a
the furnishing of services;

"(3) to maintain a viable production base in critical areas
defense production and technology at the procurement levels f
which funds are available to the Department of Defense and
planned Department of Defense procurement levels;

"(4) to expand the defense production base to respond to rap
increases in the demand for defense production and critic
defense technologies;

"(5) to maintain a viable defense production base in eac
critical area of defense production and technology in whic
terminations of major Department of Defense procurement pr
grams or reductions in planned Department of Defense procur
ment—

"(A) have taken place in the year before the year in which the report is submitted; or

"(B) are provided for—

"(i) in the budget submitted pursuant to section 1105(a) of title 31 in the year in which the annual report is submitted; and

"(ii) in the five-year defense program submitted with such budget pursuant to section 114a of this title; and

"(6) to engage in any other activities determined by the Secretary to be critical to the national security.

"(c) ANALYSIS CONSIDERATIONS.—In the preparation of the analysis required in subsection (b), the following factors shall be considered:

"(1) Trends in the profitability, levels of capital investment, spending on research and development, and debt burden of businesses involved in research on, development of, and application of critical defense technologies.

"(2) The consequences of mergers, acquisitions, and takeovers of such businesses.

"(3) The consequences of terminations of major programs and reductions in levels of military procurements in the fiscal year in which the report is submitted and planned military procurement.

"(4) The effects of levels of concurrency in acquisition program strategies, levels of facilitization required by the Secretary of defense contractors, competition requirements, and efforts of the Department of Defense to expand the use of commercial technology and equipment.

"(5) The effects of dependence on foreign or foreign-owned suppliers.

"(6) The results of Department of Defense spending for critical defense technologies for the fiscal year in which the report is submitted.

"(7) The likely future level of Department of Defense spending for such technologies during the four fiscal years following the fiscal year in which the report is submitted and the likely results of that level of spending.

"(d) ANNUAL REPORT DATE.—The report under this section shall be submitted not later than March 15 of each year.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2509. Defense industrial base annual report.".

SEC. 826. DEFENSE INDUSTRIAL BASE FOR TEXTILE AND APPAREL PRODUCTS

(a) MONITORING AND FIVE-YEAR ANNUAL REPORT REQUIREMENT.—(1) Chapter 148 of title 10, United States Code (as amended by section 825(a)), is further amended by adding at the end the following new section:

"§ 2510. Defense industrial base for textile and apparel products

"(a) CAPABILITY OF DOMESTIC TEXTILE AND APPAREL INDUSTRIAL BASE.—The Secretary of Defense shall monitor the capability of the domestic textile and apparel industrial base to support defense mobilization requirements.

"(b) Annual Report.—The Secretary shall submit to Congress not later than April 1 of each of the five years beginning with 1991 a report on the status of such industrial base. Each such report shall include the following:

"(1) An identification of textile and apparel mobilization requirements of the Department of Defense that cannot be satisfied on a timely basis by the domestic industries.

"(2) An assessment of the effect any inadequacy in the textile and apparel industrial base would have on a defense mobilization.

"(3) Recommendations for ways to alleviate any inadequacy in such industrial base that the Secretary considers critical to defense mobilization requirements.".

(2) The table of sections at the beginning of such chapter (as amended by section 825(b)) is further amended by adding at the end the following new item:

"2510. Defense industrial base for textile and apparel products.".

10 USC 113 note.

(b) Conforming Amendment.—Section 1456 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 762), is repealed.

SEC. 827. USE OF PARTNERSHIP INTERMEDIARIES

(a) Partnership Intermediaries.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

15 USC 3715.

"SEC. 21. USE OF PARTNERSHIP INTERMEDIARIES.

"(a) Authority.—Subject to the approval of the Secretary or head of the affected department or agency, the Director of a Federal laboratory, or in the case of a federally funded research and development center, the Federal employee who is the contract officer may—

"(1) enter into a contract or memorandum of understanding with a partnership intermediary that provides for the partnership intermediary to perform services for the Federal laboratory that increase the likelihood of success in the conduct of cooperative or joint activities of such Federal laboratory with small business firms; and

"(2) pay the Federal costs of such contract or memorandum of understanding out of funds available for the support of the technology transfer function pursuant to section 11(b) of this Act.

"(b) Partnership Progress Reports.—The Secretary shall include in each triennial report required under section 6(d) of this Act a discussion and evaluation of the activities carried out pursuant to this section during the period covered by the report.

"(c) Definition.—For purposes of this section, the term 'partnership intermediary' means an agency of a State or local government or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or cperated in whole or in part by or on behalf of a State or local government, that assists, counsels, advises, evaluates, or otherwise cooperates with small business firms that need or can make demonstrably productive use of technology-related assistance from a Federal laboratory, including State programs receiving funds under cooperative agreements entered into under section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).".

(b) **Model Program.**—(1) In the administration of applicable provisions of the Stevenson-Wydler Technology Innovation Act of 1980 or section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, the Secretary of Commerce shall develop, in consultation with the Secretary of Defense and the Secretary of Energy, model programs for national defense laboratories. 15 USC 3715 note.

(2) Model programs under this subsection shall involve Federal laboratories, small businesses, and partnership intermediaries. The purpose of the model programs is to demonstrate successful relationships between the Federal Government, State and local governments, and small businesses which encourage economic growth through the commercial application of technology resulting from federally funded research. Small businesses. Intergovernmental relations.

(3) In this subsection, the term "national defense laboratory" means any laboratory, federally funded research and development center (FFRDC), or other center established under section 6 or 8 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705, 3707) that is owned by the Federal Government, whether operated by the Federal Government or by a contractor, and—

(A) is under the jurisdiction of the Secretary of Defense; or

(B) is under the jurisdiction of the Secretary of Energy, but only if the primary function of the laboratory, FFRDC, or other center under the Secretary's jurisdiction is to support the national defense activities of the Department of Defense or the Department of Energy.

SEC. 828. TECHNOLOGY TRANSFER CONTRACT PROVISIONS

(a) **Provisions To Be Included.**—Section 3133(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1675) is amended—

(1) in paragraph (1), by inserting after "to the extent not already included" the following: "and subject to paragraph (6)"; and 15 USC 3710a note.

(2) by adding at the end the following new paragraph:

"(6) Contract provisions referred to in paragraph (1) shall include only such provisions as are necessary to carry out paragraphs (1) and (2) of this subsection.".

(b) **Effective Date.**—Paragraph (6) of 3133(d) of such Act, as added by subsection (a), shall apply only to contracts entered into after the date of enactment of this Act. 15 USC 3710a note.

Part D—Miscellaneous

SEC. 831. MENTOR-PROTEGE PILOT PROGRAM

10 USC 2301 note.

(a) **Establishment of Pilot Program.**—The Secretary of Defense shall establish a pilot program to be known as the "Mentor-Protege Program".

(b) **Purpose.**—The purpose of the program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance designed to enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts in order to increase the participation of such business concerns as subcontractors and Small businesses.

suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

(c) Program Participants.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns upon making application to the Secretary of Defense and being approved for participation in the pilot program by the Secretary. A business concern participating in the pilot program pursuant to such an approval shall be known, for the purposes of the program, as a "mentor firm".

(2) Disadvantaged small business concerns eligible for the award of Federal contracts may obtain assistance from one or more mentor firms upon entering into an agreement with the mentor firm or firms as provided in subsection (e). A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a "protege firm".

(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If at any time the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

(d) Mentor Firm Eligibility.—Subject to subsection (c)(1), a mentor firm eligible for award of Federal contracts may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if—

(1) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or

(2) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k).

(e) Mentor-Protege Agreement.—Before providing assistance to a protege firm under the program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following:

(1) A developmental program for the protege firm, in such detail as may be reasonable, including (A) factors to assess the protege firm's developmental progress under the program, and (B) the anticipated number and type of subcontracts to be awarded the protege firm.

(2) A program participation term, which shall not exceed five years and may be renewed upon its expiration for an additional term of not to exceed four years.

(3) Procedures for the mentor firm or protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the following:

(1) Assistance, by using mentor firm personnel, in—

(A) general business management, including organizational management, financial management, and personnel management, marketing, business development, and overall business planning;

(B) engineering and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e).

(2) Award of subcontracts on a noncompetitive basis to the protege firm under the Department of Defense or other contracts.

(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

(4) Advance payments under such subcontracts.

(5) Loans.

(6) Cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest.

(7) Assistance obtained by the mentor firm for the protege firm from one or more of the following—

(A) small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

(B) entities providing procurement technical assistance pursuant to chapter 142 of title 10, United States Code; or

(C) a historically Black college or university or a minority institution of higher education.

(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense shall provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

Government contracts.

(2) The Secretary of Defense shall provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f). The Secretary shall ensure that provision for payment of reimbursements under this paragraph is made in a Department of Defense contract awarded to the mentor firm to provide products or services or in another contract entered into between the Secretary and the mentor firm providing for the reimbursement of costs incurred under the program. Any such contract shall specify the maximum amount of any reimbursement to be made under that contract. The Secretary and the mentor firm may provide in such contract for the allocation of the costs to any Department of Defense cost-reimbursement contracts awarded the mentor firm.

Credit.

(3)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) may be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract or under a divisional or company-wide subcontracting plan negotiated with the Department of Defense or another Executive agency.

(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

(i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(7);

(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm's employees; and

(iii) two times the total amount of any other such costs.

(C) Under regulations prescribed pursuant to subsection (k), the Secretary of Defense shall adjust the amount of credit given a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm's performance regarding the award of subcontracts to disadvantaged small business concerns has declined without justifiable cause.

(4) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and

(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

(h) NONAFFILIATION TREATMENT.—For purposes of the Small Business Act, a protege firm may not be considered an affiliate of a mentor firm solely on the basis that the protege firm is receiving assistance referred to in subsection (f) from such mentor firm under the program.

(i) PARTICIPATION IN MENTOR-PROTEGE PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

(j) DURATION OF PILOT PROGRAM.—(1) Business concerns eligible to participate in the program may enter into mentor-protege agreements pursuant to subsection (e) during the period commencing on October 1, 1991, and ending on September 30, 1994.

(2) A mentor firm may not incur costs furnishing developmental assistance to a protege firm that are eligible for reimbursement pursuant to subsection (g) prior to October 1, 1991, or after September 30, 1996.

(3) A mentor firm may receive credit toward the attainment of such firm's goals for subcontract awards to disadvantaged small business concerns for unreimbursed costs incurred in providing developmental assistance to the firm's protege firms, pursuant to subsection (g)(3), for the period beginning October 1, 1991, and ending September 30, 1999.

(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the pilot Mentor-Protege Program. Such regulations shall include the requirements set forth in section 8(d) of the Small Business Act (15 U.S.C. 673(d)). The Secretary shall publish the proposed regulations not later than the date 180 days after the date of the enactment of this Act. The Secretary shall promulgate the final regulations not later than the date 270 days after the date of the enactment of this Act.

(l) GENERAL ACCOUNTING OFFICE ASSESSMENT.—(1) The General Accounting Office shall evaluate the implementation of the Mentor-Protege Program established pursuant to subsection (a) to determine whether the purposes of the program, as stated in subsection (b), have been attained.

(2) A report of the evaluation conducted by the General Accounting Office pursuant to subsection (a) shall be furnished to the Committees on Armed Services and Small Business of the Senate and House of Representatives by February 1, 1994. Such report shall cover the period October 1, 1991, through September 30, 1993. Recommendations shall be included regarding reauthorization of the program, and extending its application on a Government-wide basis.

Reports.

(3) An interim report shall be furnished to the Committees on Armed Services of the Senate and House of Representatives by March 30, 1992. The interim report shall—

(A) evaluate the regulatory implementation of the program by the Department of Defense;

(B) assess initial participation by firms eligible to be mentor firms or protege firms;

(C) identify deficiencies, if any, in the statutory or regulatory framework of the program likely to impair the success of the program; and

(D) make recommendations to correct any implementational impediments identified.

(m) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

(2) The term "disadvantaged small business concern" means a small business concern owned and controlled by socially and economically disadvantaged individuals.

(3) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(4) The term "historically Black college and university" means any of the historically Black colleges and universities referred to in section 1207(a)(2) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note).

(5) The term "minority institution of higher education" means an institution of higher education with a student body that reflects the composition specified in section 312(b)(3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), and (5)).

(6) The term "subcontracting participation goal", with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business

concerns in the subcontracts awarded under such contract, a established pursuant to section 1207 of the National Defens Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) an section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

SEC. 832. ENHANCING PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS I DEFENSE RESEARCH

Section 1207 of the National Defense Authorization Act for Fisca Year 1987 (10 U.S.C. 2301 note) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "Except"; and

(B) by redesignating clauses (1), (2), and (3) as clauses (A (B), and (C), respectively;

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall establish a specific goal withi the overall 5 percent goal for the award of prime contracts an subcontracts to historically Black colleges and universities an minority institutions in order to increase the participation of suc colleges and universities in the program provided for by this se tion."; and

(3) by striking out subsection (c) and inserting in lieu thereo the following new subsection (c):

"(c) TYPES OF ASSISTANCE.—(1) To attain the goal specified i subsection (a)(1), the Secretary of Defense shall provide technic assistance to the entities referred to in that subsection and, in th case of historically Black colleges and universities and minori institutions, shall also provide infrastructure assistance.

Government contracts.
Minority businesses.

"(2) Technical assistance provided under this section sha include information about the program, advice about Department o Defense procurement procedures, instruction in preparation o proposals, and other such assistance as the Secretary conside appropriate. If the resources of the Department of Defense ar inadequate to provide such assistance, the Secretary may enter in contracts with minority private sector entities with experience an expertise in the design, development, and delivery of technic assistance services to eligible individuals, business firms and institutions, defense acquisition agencies, and defense prime contractor Department of Defense contracts with such entities shall b awarded annually, based upon, among other things, the number o minority small business concerns, historically Black colleges an universities, and minority institutions that each such entity brin into the program.

"(3) Infrastructure assistance provided under this section t historically Black colleges and universities and to minority institutions may include programs to:

"(A) establish and enhance undergraduate, graduate, an doctoral programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(B) make Department of Defense personnel available t advise and assist faculty at such colleges and universities in th performance of defense research and in scientific disciplin critical to the national security functions of the Department o Defense;

"(C) establish partnerships between defense laboratories an historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplin critical to the national security functions of the Department of Defense;

"(D) award scholarships, fellowships, and the establishment of cooperative work-education programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(E) attract and retain faculty involved in scientific disciplines critical to the national security functions of the Department of Defense;

"(F) equip and renovate laboratories for the performance of defense research;

"(G) expand and equip Reserve Officer Training Corps activities devoted to scientific disciplines critical to the national security functions of the Department of Defense; and

"(H) provide other assistance as the Secretary determines appropriate to strengthen scientific disciplines critical to the national security functions of the Department of Defense or the college infrastructure to support the performance of defense research.

"(4) The Secretary shall, to the maximum extent practical, carry out programs under this section at colleges, universities, and institutions that agree to bear a substantial portion of the cost associated with the programs.".

SEC. 833. EQUAL EMPLOYMENT OPPORTUNITIES RELATING TO AN ARMY CONTRACT

(a) LIMITATION.—Funds appropriated for procurement of aircraft for the Army for fiscal year 1991 may not be obligated for the procurement of C-23 Sherpa aircraft unless the Secretary of the Army secures a commitment from the contractor that it will support equal employment opportunities in its employment practices for all individuals irrespective of race, color, religion, sex, or national origin.

(b) REPORT.—The Secretary of the Army shall require any contractor under contract with the Army for procurement of C-23 Sherpa aircraft to submit to the Secretary, not later than April 1, 1991, a report on the contractor's compliance with the commitment regarding recruitment and subcontracting agreements secured by the Secretary under subsection (a).

SEC. 834. EVALUATION OF CONTRACTS FOR PROFESSIONAL AND TECHNICAL SERVICES

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2331. Contracts for professional and technical services

"(a) IN GENERAL.—The Secretary of Defense shall prescribe reguations to ensure, to the maximum extent practicable, that professional and technical services are acquired on the basis of the task to e performed rather than on the basis of the number of hours of ervices provided.

Regulations.

"(b) CONTENT OF REGULATIONS.—With respect to contracts to acuire services on the basis of the number of hours of services rovided, the regulations described in subsection (a) shall—

"(1) include standards and approval procedures to minimize the use of such contracts;

"(2) establish criteria to ensure that proposals for contra for technical and professional services are evaluated on a basi which does not encourage contractors to propose uncompe sated overtime;

"(3) ensure appropriate emphasis on technical and qualit factors in the source selection process;

"(4) require identification of any hours in excess of 40-hou weeks included in a proposal;

"(5) ensure that offerors are notified that proposals whic include unrealistically low labor rates or which do not othe wise demonstrate cost realism will be considered in a ris assessment and evaluated appropriately; and

"(6) provide guidance to contracting officers to ensure tha any use of uncompensated overtime will not degrade the level technical expertise required to perform the contract.

"(c) WAIVER OF TASK ORDER LIMITATION.—(1) The Secretary Defense may waive the limitation in section 2304(j)(4) of this title the total value of task orders on a case-by-case basis for speci contracting activities to the extent the Secretary considers ne essary the use of master agreements in order to further the poli set forth in subsection (a) of this section.

"(2) During any fiscal year, such a waiver may not increase th total value of task orders under master agreements of a contracti activity by more than 20 percent of the value of all contracts f advisory and assistance services awarded by that contracting acti ity during fiscal year 1989.

Federal Register, publication.

"(3) Such a waiver shall not become effective until 60 days aft the Secretary of Defense has published notice thereof in the Feder Register.".

(2) The table of sections at the beginning of such chapter amended by inserting after the item relating to section 2330 t following new item:

"2331. Contracts for professional and technical services.".

10 USC 2331 note.

(b) REGULATIONS.—Not later than 180 days after the date of t enactment of this Act, the Secretary of Defense shall publish f public comment new regulations to carry out the requirements this section. The Secretary shall promulgate final regulations carry out such requirements not later than 270 days after the da of the enactment of this Act.

SEC. 835. REQUIREMENT TO USE DOMESTICALLY MANUFACTURED CA BONYL IRON POWDERS

(a) LIMITATION.—Section 2507 of title 10, United States Code, amended by adding at the end the following new subsection:

"(e) CARBONYL IRON POWDERS.—(1) The Secretary of Defense sha require that only domestically manufactured carbonyl iron powde may be used in a system or item procured by or provided to t Department of Defense.

"(2) The Secretary of Defense may waive the restriction requir by paragraph (1) if the Secretary certifies that such a restriction not in the national interest.

"(3) After September 30, 1994, the Secretary may terminate t restriction required under paragraph (1) if the Secretary determin that continuing the restriction is not in the national interest.

"(4) In this subsection:

"(A) The term 'domestically manufactured' means manufactured in a facility located in the United States or Canada by an entity more than 50 percent of which is owned or controlled by citizens of the United States or Canada.

"(B) The term 'carbonyl iron powders' means powders or particles produced from the thermal decomposition of iron penta carbonyl.".

(b) EFFECTIVE DATE.—Section 2507(e) of title 10, United States Code, as added by subsection (a), shall apply with respect to systems or items procured by or provided to the Department of Defense after the date of the enactment of this Act.

10 USC 2507 note.

SEC. 836. REDUCTION OR SUSPENSION OF CONTRACT PAYMENTS UPON FINDING OF FRAUD

(a) IN GENERAL.—Section 2307 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In any case in which the remedy coordination official of an agency finds that there is substantial evidence that the request of a contractor for advance, partial, or progress payment under a contract awarded by that agency is based on fraud, the remedy coordination official shall recommend that the head of the agency reduce or suspend further payments to such contractor.

"(2) The head of an agency receiving a recommendation under paragraph (1) in the case of a contractor's request for payment under a contract shall determine whether there is substantial evidence that the request is based on fraud. Upon making such a determination, the agency head may reduce or suspend further payments to the contractor under such contract.

"(3) The extent of any reduction or suspension of payments by the head of an agency under paragraph (2) on the basis of fraud shall be reasonably commensurate with the anticipated loss to the United States resulting from the fraud.

"(4) A written justification for each decision of the head of an agency whether to reduce or suspend payments under paragraph (2) and for each recommendation received by such agency head in connection with such decision shall be prepared and be retained in the files of such agency.

"(5) The head of an agency shall prescribe procedures to ensure that, before such agency head decides to reduce or suspend payments in the case of a contractor under paragraph (2), the contractor is afforded notice of the proposed reduction or suspension and an opportunity to submit matters to the head of the agency in response to such proposed reduction or suspension.

"(6) Not later than 180 days after the date on which the head of an agency reduces or suspends payments to a contractor under paragraph (2), the remedy coordination official of such agency shall—

"(A) review the determination of fraud on which the reduction or suspension is based; and

"(B) transmit a recommendation to the head of such agency whether the suspension or reduction should continue.

"(7) The head of an agency shall prepare for each year a report containing the recommendations made by the remedy coordination official of that agency to reduce or suspend payments under paragraph (2), the actions taken on the recommendations and the reasons for such actions, and an assessment of the effects of such actions on the Federal Government. The Secretary of each military department shall transmit the annual report of such department to

Reports.

the Secretary of Defense. Each such report shall be available to a member of Congress upon request.

"(8) This subsection applies to the agencies named in paragrap (1), (2), (3), and (4) of section 2303(a) of this title.

"(9) The head of an agency may not delegate responsibilities unde this subsection to any person in a position below level IV of th Executive Schedule.

"(10) In this subsection, the term 'remedy coordination officia with respect to an agency, means the person or entity in that agenc who coordinates within that agency the administration of crimina civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities

(b) Information From Contractor.—Subsection (e)(1) of suc section is amended by adding at the end the following new sentenc "The contractor shall provide such information and evidence as th Secretary of Defense determines necessary to permit the Secretar to carry out the preceding sentence.".

10 USC 2507 note.

(c) Effective Date.—Section 2307(f) of title 10, United State Code, and the second sentence of section 2307(e)(1) of such title, a added by subsections (a) and (b), shall apply with respect to contrac entered into after the expiration of the 180-day period beginning o the date of the enactment of this Act.

SEC. 837. DEFENSE CONTRACTOR REQUIREMENTS WITH RESPECT T EMPLOYEES WHO COMMUNICATE WITH GOVERNMENT OFFICIALS

(a) Defense Contractor Requirement.—(1) Chapter 141 of titl 10, United States Code, is amended by inserting after section 240 the following new section:

"§ 2409a. Communicating with Government officials: defense contractor requirement to prohibit retaliatory personne actions

"(a) Regulations.—(1) The Secretary shall promulgate regulations containing the requirements described in subsections (b), (c and (d) and such other provisions as the Secretary considers necessary to administer such requirements. Such regulations shal require that each contract described in paragraph (2) contain a clause requiring the contractor to comply with such regulations

"(2) The regulations shall apply to each contract entered into by a contractor and the Department of Defense for an amount greater than $500,000, except that the regulations shall not apply to any contract in which the price is based solely on established catalog or market prices of commercial items sold in substantial quantities to the general public.

"(b) Prohibition.—The regulations promulgated under this section shall prohibit a defense contractor from discharging or otherwise discriminating against any employee with respect to such employee's compensation or terms and conditions of employment because the employee (or any person acting pursuant to a request of the employee) discloses to an appropriate Government official information concerning a contract between the defense contractor and the Department of Defense which the employee reasonably believes evidences a violation of any Federal law or regulation relating to Department of Defense procurement or the subject matter of the contract.

"(c) COMPLAINT AND INVESTIGATION.—The regulations promulgated under this section shall include the following provisions:

"(1) Any employee of a defense contractor who believes that he or she has been discharged or otherwise discriminated against by the defense contractor in violation of regulations promulgated under subsection (b) may file with the Secretary a complaint alleging such discharge or discrimination. Any such complaint may not be filed more than 180 days after the later of the date on which the violation is alleged to have occurred or was discovered.

"(2) A complaint filed under paragraph (1) must contain a certification, signed by the complainant, which states specifically the nature of the alleged discriminatory act and of the disclosure giving rise to such act. The certification must also contain one of the following statements:

"(A) All attempts at resolution through an internal company grievance procedure have been exhausted.

"(B) The company grievance procedure was not used because the complainant reasonably believed it to be ineffectual or to expose the complainant to employer reprisals.

"(C) The company has no company grievance procedure.

"(3) Upon receipt of a complaint filed under paragraph (1), the Secretary shall serve notice of the complaint on the defense contractor named in the complaint and the head of the agency which entered into the contract.

"(4)(A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an initial investigation to determine whether the complaint is frivolous or merits further investigation. As part of such initial investigation, the Secretary shall find out whether the employee and the defense contractor have attempted to resolve the dispute. If the Secretary determines that the complaint merits further investigation, the Secretary shall, except as provided in subparagraph (B), complete an investigation of the complaint within 90 days after receipt of the complaint.

"(B) If the Secretary determines that it is not possible to complete an investigation of a complaint within the 90-day period prescribed in subparagraph (A), the Secretary shall notify the employee of the reasons why the investigation cannot be completed within such time period and of the date when the investigation will be completed. The Secretary also may defer action on a complaint at any time with the consent of the complainant and the defense contractor.

Reports.

"(C) Not later than 30 days after an investigation is completed, the Secretary of Defense shall provide a written report of the results of the investigation to the complainant, any person acting on behalf of the complainant, and the defense contractor alleged to have committed the violation.

"(D) Within 90 days after providing a report of the results of an investigation of a complaint, the Secretary shall issue an order providing the relief prescribed in paragraph (5) or denying the complaint, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement agreement entered into by the Secretary and the defense contractor alleged to have committed such violation.

"(E) An order of the Secretary under this section shall be made on the record after notice and opportunity for an agency hearing. In issuing an order, the Secretary shall follow procedures that are as informal as practicable, consistent with principles of fundamental fairness. At a minimum, the Secretary shall afford the complainant and the defense contractor an opportunity to submit in writing information and arguments in opposition to the conclusion of the report of the results of the investigation.

"(F) The Secretary may not enter into a settlement agreement terminating a proceeding on a complaint without the participation and consent of the complainant.

"(5) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of regulations promulgated under subsection (b) has occurred, the Secretary may issue, separately or in combination, any of the following:

"(A) An order that the defense contractor who committed such violation take affirmative action to abate the violation.

"(B) An order that such contractor reinstate the complainant to the position held by such individual when discharged, together with the compensation (including back pay), employment benefits, and other terms and conditions of his or her employment.

"(C) An assessment against such contractor (at the request of the complainant) of a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) reasonably incurred by the complainant for, or in connection with, bringing the complaint on which the order was issued, as determined by the Secretary.

"(6) In determining whether a violation of regulations promulgated under subsection (b) has occurred, the Secretary shall use the standard of proof that is used by the Merit Systems Protection Board in proceedings under section 1221 of title 5, as described in paragraphs (1) and (2) of section 1221(e) of that title.

"(d) Review and Enforcement.—(1) Any person adversely affected or aggrieved by an order issued under subsection (c)(5)(B) may obtain review of the order's conformance with this section and the regulations promulgated under this section in the United States court of appeals for the circuit in which the violation alleged in the order occurred. No petition seeking such review may be filed more than 60 days after issuance of the Secretary's order. Review shall conform to chapter 7 of title 5.

"(2) An order of the Secretary with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any criminal or other civil proceeding.

"(3) Whenever a person has failed to comply with an order issued under subsection (c)(5)(B), the Secretary shall file an action for enforcement of such order in the United States district court for the district in which the violation was found to have occurred. In any action brought under this subsection, the court may grant appropriate relief, including injunctive relief, and compensatory and exemplary damages.

"(4) Any nondiscretionary duty imposed by the regulations under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(e) Definitions.—In this section:

"(1) The term 'appropriate Government official' includes—

"(A) an officer or employee of the Department of Defense responsible for command, direct staff assistance to a commander, contract administrator, program management, audit, inspection, investigation, or enforcement of any law or regulation relating to Government procurement or the subject matter of the contract;

"(B) a Member of Congress or an officer or employee of Congress, the General Accounting Office, the Congressional Budget Office, or the Office of Technology Assessment; and

"(C) any other officer or employee of the United States whose duties include the investigation or enforcement of any law, rule, or regulation relating to Government procurement or the subject matter of the contract.

"(2) The term 'defense contractor' means any employer providing goods or services, under contract, to the Department of Defense.

"(3) The term 'Secretary' means the Secretary of Defense.

"(4) The term 'information concerning a contract' means, with respect to a contract with the Department of Defense, information about cost, price, compliance with specifications, meeting the user's requirements, user safety, use or disposition of services, real property or personal property acquired under the contract, the procurement process (including competition, negotiation, award, and administration), and relationships with Government personnel, competitors, or subcontractors.".

(2) The table of sections at the beginning of chapter 141 of such title is amended by inserting after the item relating to section 2409 the following new item:

"2409a. Communicating with Government officials: defense contractor requirement to prohibit retaliatory personnel actions.".

(b) Effective Date.—Section 2409a of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into during the period beginning on the date which is 180 days after the date of the enactment of this Act. Such section shall cease to be in effect on the date which is 4 years after such date of enactment. 10 USC 2409a note.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

Part A—General Management Matters

SEC. 901. NATIONAL MILITARY STRATEGY REPORTS

10 USC 113 note.

(a) Reports by the Secretary of Defense.—(1) The Secretary of Defense shall submit to Congress a national military strategy report during each of fiscal years 1992, 1993, and 1994. Each such report shall be submitted with the Secretary's annual report to Congress for that year under section 113(j) of title 10, United States Code.

(b) Matters To Be Covered in Reports.—Each such report shall cover a period of at least ten years and shall address the following:

(1) The threats facing the United States and its allies.

(2) The degree to which military forces can contribute to the achievement of national objectives.

(3) The strategic military plan for applying those forces to the achievement of national objectives.

(4) The risk to the national security of the United States and its allies that ensues.

(5) The organization and structure of military forces to implement the strategy.

(6) The broad mission areas for various components of the forces and the broad support requirements to implement the strategy.

(7) The functions for which each military department should organize, train, and equip forces for the combatant commands responsible for implementing the strategy.

(8) The priorities assigned to major weapons and equipment acquisitions and to research and development programs in order to fill the needs and eliminate deficiencies of the combatant commands.

(c) Relationship of Plans to Budget.—The strategic military plans and other matters covered by each report shall be fiscally constrained and shall relate to the current Department of Defense Multiyear Defense Plan and resource levels projected by the Secretary of Defense to be available over the period covered by the report.

(d) Effects of Alternative Budget Levels.—Each such report shall also include an assessment of the effect on the risk and the other components of subsection (b) in the event that (1) an additional $50,000,000,000 is available in budget authority in the fiscal year which is addressed by the budget request that the report accompanies, and (2) budget authority for that fiscal year is reduced by $50,000,000,000. For these assessments the Secretary of Defense shall make appropriate assumptions about the funds available for the remainder of the period covered by the report.

(e) Role of Chairman of Joint Chiefs of Staff.—In accordance with his role as principal military adviser to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall participate fully in the development of each such report. The Secretary of Defense shall provide the Chairman such additional guidance as is necessary to enable the Chairman to develop and recommend fiscally constrained strategic plans for the Secretary's consideration in accordance with section 153(a)(2) of title 10, United States Code. In accordance with additional responsibilities of the Chairman set out in section 153, the Chairman shall provide recommendations to the Secretary on the other components of paragraph (2).

(f) Classification of Reports.—The reports submitted to Congress under subsection (a) shall be submitted in both classified and (to the extent practicable) unclassified versions.

SEC. 902. JOINT STAFF

Section 155 of title 10, United States Code, is amended by striking out subsection (g) and redesignating subsection (h) as subsection (g).

10 USC 3074 note.

SEC. 903. ARMY RESERVE COMMAND

(a) Establishment of Command.—The Secretary of the Army, with the advice and assistance of the Chief of Staff of the Army, shall establish a United States Army Reserve Command under the command of the Chief of Army Reserve. The Army Reserve Command shall be a major subordinate command of Forces Command.

(b) Assignment of Forces.—The Secretary of the Army—

(1) shall assign all forces of the Army Reserve in the continental United States to the Army Reserve Command; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Sec

y of the Army specified in section 3013 of title 10, United
s Code, shall assign all such forces of the Army Reserve to
ommander-in-Chief, Forces Command.
PERIOD.—The establishment of the Army Reserve Com-
ll be for a test period ending two years after the date of the
t of this Act.
ORTS BY SECRETARY OF THE ARMY.—The Secretary of the
ring the test period under subsection (c), shall submit to
nittees on Armed Services of the Senate and House of
atives a semiannual report on the United States Army
ommand. Each such report shall explain—
ommand arrangements;
esponsibility for base operations support;
ersonnel, logistics, and resource management; and
ngineering and information management support.
EW BY AN INDEPENDENT COMMISSION.—The Secretary of Establishment.
shall establish an independent commission to assist the
in assessing the progress and effectiveness of the United
ny Reserve Command after it has been in existence for a
ne year.

CURITY INVESTIGATIONS

RITY INVESTIGATIONS.—Subchapter I of chapter 134 of title
States Code, is amended by adding at the end the
ew section:

curity investigations

ls appropriated to the Department of Defense may not be
he conduct of an investigation by the Department of
by any other Federal department or agency, for purposes
ing whether to grant a security clearance to an individ-
cility unless the Secretary of Defense determines both of
g:
That a current, complete investigation file is not avail-
om any other department or agency of the Federal
ment with respect to that individual or facility.
That no other department or agency of the Federal
ment is conducting an investigation with respect to that
ual or facility that could be used as the basis for deter-
whether to grant the security clearance.
urposes of subsection (a)(1), a current investigation file is
investigation that has been conducted within the past

AL AMENDMENT.—The table of sections at the beginning
chapter is amended by adding at the end the following

investigations.".

ENTY PERCENT REDUCTION IN DEFENSE ACQUISITION 10 USC 1721 note.
ORKFORCE

TION REQUIRED.—The Secretary of Defense shall take
as is necessary to reduce the number of employees in the
of Defense acquisition workforce on the last day of each
rs 1991 through 1995 below the number of employees in
rce on the last day of the preceding fiscal year by not

less than the number equal to 4 percent of the number of t employees in such workforce on September 30, 1990.

(b) Definition.—In this section, the term "Department of Defen acquisition workforce" means all positions included in the descr tion of the acquisition workforce in Appendix A of "Defen Management", a report of the Secretary of Defense to the Presider dated July 1989.

SEC. 906. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEA QUARTERS ACTIVITIES AND HEADQUARTERS SUPPOI ACTIVITIES

(a) Reduction Required.—The Secretary of Defense shall tal such action as is necessary to reduce the number of members of t Armed Forces and civilian employees who are assigned or detail to duty in the management headquarters activities and hea quarters support activities of the Department of Defense on the la day of each of the fiscal years 1991 through 1995 below the numb of such personnel assigned or detailed to such duty on the last day the preceding fiscal year by not less than the number equal to percent of the number of such personnel assigned or detailed to suc duty on September 30, 1990.

(b) Definition.—For purposes of this section, the terms "manag ment headquarters activities" and "headquarters support activitie have the meaning given those terms in Department of Defens Directive 5100.73, entitled "Department of Defense Managemen Headquarters and Headquarters Support Activities" dated Noven ber 25, 1988.

50 USC 401 note.

SEC. 907. INTELLIGENCE PRIORITIES AND REORGANIZATION

(a) Revision of Priorities and Consolidation of Functions.—The Secretary of Defense, together with the Director of Centra Intelligence, shall conduct a joint review of all intelligence an intelligence-related activities in the Tactical Intelligence and Related Activities (TIARA) programs and the National Foreign Intelligence Program (NFIP). The Secretary, together with the Director shall take the following actions with respect to those activities

(1) In cases in which redundancy or fragmentation exis consolidate functions, programs, organizations, and operations to improve the efficiency and effectiveness of the conduct o those intelligence activities or programs.

(2) Revise intelligence collection and analysis priorities and resource allocations to reflect changes in the international security environment.

(3) Strengthen joint intelligence functions, operations, and organizations.

(4) Improve the quality and independence of intelligence support to the weapons acquisition process.

(5) Improve the responsiveness and utility of national intelligence systems and organizations to the needs of the combatant commanders.

(b) Personnel Reductions.—(1) The number of personnel assigned or detailed to the National Foreign Intelligence Program and related Tactical Intelligence and Related Activities programs shall be reduced by not less than 5 percent of the number of such personnel described in paragraph (2) during each of fiscal years 1992 through 1996.

(2) The number of personnel referred to in paragraph (1) is the number of personnel assigned or detailed to such programs on September 30, 1990.

SEC. 908. ADDITIONAL FUNDING FOR UNIFIED AND SPECIFIED COMBATANT COMMANDS FOR FISCAL YEAR 1991

(a) CINC Initiative Fund.—There is established for fiscal year 1991 a separate budget account to be managed by the Chairman of the Joint Chiefs of Staff. The Chairman may use the account to provide funds, upon request, to the commanders of the unified and specified combatant commands and the Commander, United States Element, North American Aerospace Defense Command. Such funds shall be provided, as specified by the Chairman, for any of the activities named in subsection (b).

(b) Permissible Activities.—(1) Activities for which funds may be made provided under subsection (a) are the following:

(A) Force training.

(B) Contingencies.

(C) Selected operations.

(D) Command and control.

(E) Joint exercises.

(F) Humanitarian and civic assistance.

(G) Military education and training to military and related civilian personnel of foreign countries.

(H) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

(2) The Chairman of the Joint Chiefs of Staff, in considering requests for funds under this section, should give priority consideration to requests for funds to be used for activities which would enhance the warfighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds.

(c) Amount and Source of Funds.—(1) Of the amount authorized to be appropriated pursuant to section 301(a) for the Defense Agencies, $35,000,000 shall be made available by the Secretary of Defense for the account established in subsection (a).

(2) Any amount provided by the Chairman out of the account established under subsection (a) for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for fiscal year 1991.

(d) Limitations.—(1) Not more than $7,000,000 of the funds provided from that account may be used to purchase items with a unit cost in excess of $15,000.

(2) Funds may not be provided under this section for any activity that has been denied authorization by Congress.

SEC. 909. STUDY AND PLAN REGARDING MOBILITY REQUIREMENTS

(a) Study and Plan Required.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall conduct a study to determine mobility requirements for the Armed Forces and shall develop an integrated plan to meet those requirements.

(b) Reports Required.—(1) The Secretary shall submit to the congressional defense committees two reports regarding the study required by subsection (a).

(2) The first report shall cover intertheater requirements, shall contain a copy of the integrated plan regarding such requirements, and shall be submitted not later than March 29, 1991.

(3) The second report shall cover intratheater requirements, s face requirements, and requirements for mobility within the c tinental United States, shall contain a copy of the integrated p regarding such requirements, and shall be submitted not later th June 28, 1991.

(c) FORMAT AND CONTENT OF REPORTS.—(1) Each report shall be the same format as the report submitted to Congress under secti 203(b) of the Department of Defense Authorization Act, 1981 (Pu Law 96-342; 94 Stat. 1080), and shall cover (in addition to t matters specified in paragraphs (2) and (3)) the same matters quired under such section and the Joint Explanatory Statement the Committee of Conference relating to such Act, as set out Senate Report 96-895, 96th Congress, second session.

(2) The two reports together shall include an analysis of the to mix of airlift, sealift, amphibious lift, surface transportation, a prepositioned war material (both at sea and on land) necessary f the United States to respond to contingent threats against t national security interests of the United States during the remai der of the current decade and beyond. The analysis of prepositione war material should identify where such material should be locate The analysis may not be limited to consideration of a single requi ment for lift and material based upon the most demanding case, b shall include an assessment of a range of requirements for lift a material based upon various military contingencies and scenari The Operation Just Cause and Operation Desert Shield deployme shall be included among the scenarios examined. The analysis sha also include—

(A) an assessment of both intratheater and intertheater li requirements; and

(B) an assessment of the total requirements for mobilit including support equipment and the equipment necessary f strategic mobility at unimproved ports, airfields, and othe facilities.

(3) The two reports together shall also include the followin

(A) An assessment of how the total mix of mobility an prepositioning requirements has been affected by changing cir cumstances in Europe and elsewhere, including—

(i) an increase in the opportunities to detect any planne attack by the Soviet Union;

(ii) an increase in the time likely to be available t prepare for such an attack after detection;

(iii) a reduced level of Soviet threat to the nationa security interests of the United States;

(iv) the decreasing level of Armed Forces personnel de ployed overseas;

(v) the changing threat in Northeast Asia; and

(vi) the changing threat in Southwest Asia.

(B) An assessment of how such requirements are being af fected by the changing need for power projection capability in low-intensity and medium-intensity conflicts.

(C) An assessment of how such requirements would be af fected by the loss of United States military bases, and the loss of access to other military bases, in such overseas locations as the Philippines.

(D) An assessment of how the reduced reliance expected to be placed by the Armed Forces on NATO and other allied shipping and military bases for employment of the Armed Forces unilaterally in contingent actions affects the requirements for airlift, sealift, amphibious lift, and prepositioned war material.

(E) An assessment of whether increased dependence should be placed upon sealift capabilities in view of the factors assessed pursuant to subparagraphs (A) through (D) and the potential benefits of sealift vessels which might be developed that would be faster than the sealift vessels currently available from commercial sources.

(F) A discussion of initiatives that can be undertaken to reduce the time required to move forces and material from home bases to combat areas, including measures that can be undertaken to reduce (i) the time necessary for loading and unloading personnel and equipment at airports and seaports, (ii) the time necessary for moving ground forces to airports and seaports, and (iii) the delivery times from points of debarkation to final destinations.

SEC. 910. ELIMINATION OF STATUTORY POSITION OF CHIEF OF NAVAL RESEARCH

(a) Repeal.—Section 5021 of title 10, United States Code, is repealed.

(b) Conforming and Clerical Amendments.—(1) Section 5022 of such title is amended—

(A) by redesignating subsections (a), (b) and (c) as subsections (b), (c) and (d), respectively; and

(B) by inserting after the section heading the following new subsection (a):

"(a) There is in the Office of the Secretary of the Navy an Office of Naval Research.".

(2) The table of sections at the beginning of chapter 503 of such title is amended by striking out the item relating to section 5021.

Part B—Professional Military Education

SEC. 911. PREPARATION OF BUDGET REQUESTS FOR OPERATION OF PROFESSIONAL MILITARY EDUCATION SCHOOLS

(a) Uniform Budget Requests.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2162. Preparation of budget requests for operation of professional military education schools

"(a) Uniform Cost Accounting.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall promulgate a uniform cost accounting system for use by the Secretaries of the military departments in preparing budget requests for the operation of professional military education schools.

"(b) Preparation of Budget Requests.—(1) Amounts requested for a fiscal year for the operation of each professional military education school shall be set forth as a separate budget request in the materials submitted by the Secretary of Defense to Congress in support of the budget request for the Department of Defense.

"(2) The Secretary of a military department preparing a budget request for a professional military education school shall carefully consider the views of the Chairman of the Joint Chiefs of Staff, particularly with respect to the amount of the request for the operation of the schools of the National Defense University and the joint professional military education curricula of the other professional military education schools.

"(c) COMPARISON OF BUDGET REQUESTS.—Materials prepared in support of the budget request for a professional military education school shall describe whether the amount requested for that school is comparable to the amounts requested for other professional military education schools, taking into consideration the size and activities of the schools.

"(d) DEFINITIONS.—In this section:

"(1) The term 'professional military education school' means—

"(A) the National Defense University;
"(B) the Army War College;
"(C) the College of Naval Warfare;
"(D) the Air War College;
"(E) the United States Army Command and General Staff College;
"(F) the College of Naval Command and Staff;
"(G) the Air Command and Staff College; or
"(H) the Marine Corps Command and Staff College.

"(2) The term 'National Defense University' means the National War College, the Armed Forces Staff College, and the Industrial College of the Armed Forces.".

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2162. Preparation of budget requests for operation of professional military education schools.".

(2) The heading of such chapter is amended to read as follows:

"CHAPTER 108—DEPARTMENT OF DEFENSE SCHOOLS".

(3) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended to read as follows:

"108. Department of Defense Schools".

10 USC 2162 note.

(b) APPLICATION OF AMENDMENT.—Section 2162 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1991.

SEC. 912. AUTHORITY OF NAVAL WAR COLLEGE TO CONFER DEGREE OF MASTER OF ARTS IN NATIONAL SECURITY AND STRATEGIC STUDIES

(a) AUTHORITY.—Part III of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 609—PROFESSIONAL MILITARY EDUCATION SCHOOLS

"Sec.
"7101. Naval War College: master of arts in national security and strategic studies

val War College: master of arts in national security and
trategic studies

ORITY.—Upon the recommendation of the faculty of the
College, the President of the college may confer the
aster of arts in national security and strategic studies
ates of the college who fulfill the requirements for the

LATIONS.—The authority provided by subsection (a) shall
l under regulations prescribed by the Secretary of the

AL WAR COLLEGE DEFINED.—In this section, the term
College' means the College of Naval Warfare and the
aval Command and Staff.".
AL AMENDMENT.—The tables of chapters at the begin-
btitle C of title 10, United States Code, and at the
f part III of such subtitle, are amended by inserting after
ating to chapter 607 the following new item:

nal Military Educational Schools... 7101".

PART C—CONTRACTING OUT

NTINUATION OF AUTHORITY OF BASE COMMANDERS OVER
ONTRACTING FOR COMMERCIAL ACTIVITIES

10 USC 2466 note.

468(f) of title 10, United States Code, is amended by
"September 30, 1990" and inserting in lieu thereof
30, 1991".

THORIZATION OF PILOT PROGRAM FOR DEPOT MAINTE-
ANCE WORKLOAD COMPETITION

PROGRAM AUTHORIZED.—(1) Notwithstanding section
10, United States Code, the Secretary of Defense may
epot maintenance workload competition pilot program
l year 1991.
NTS OF PROGRAM.—(1) The pilot program authorized by
a) shall involve competition for a portion of the depot
e workload at one Army depot maintenance activity and
ce depot maintenance activity.
mpetition under such pilot program shall be open to
enance activities of the Department of Defense as the
Defense may designate. The Secretary may also include
ractors in such competition.
T.—Not later than March 31, 1992, the Secretary of
ll submit to the congressional defense committees a

plaining the basis for selecting the installations and
d selected to participate in the pilot program authorized
ction (a);
ntaining a detailed explanation of the results of such
gram; and
mparing such results to the experience of one Navy
aintenance activity that competed its workload during
ar 1991.

TITLE X—DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

SEC. 1001. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES FUNDING

Funds authorized to be appropriated pursuant to section 301(a)(14 for drug interdiction and counter-drug activities of the Department of Defense shall be available for the purposes and in the amounts specified as follows:

(1) For operation and maintenance, $585,600,000.

(2) For procurement, $345,300,000.

(3) For National Guard pay and allowances, $105,500,000

(4) For research, development, test, and evaluation, $47,700,000.

SEC. 1002. OVER-THE-HORIZON RADAR

(a) Study.—(1) The Secretary of Defense, acting through the Joint Electronics Warfare Center, shall conduct a study to examine the need for an over-the-horizon radar in the central part of the United States directed toward Mexico.

(2) In carrying out such study, the Secretary shall assess—

(A) the capability of the over-the-horizon radar against small targets, including single engine aircraft of the type used in drug trafficking;

(B) the ability of the over-the-horizon radar to correlate such targets with existing civilian air traffic; and

(C) the relative cost and operational effectiveness of an over-the-horizon radar compared with continued investment in other types of radars, such as the Small Aerostat System, land based aerostats, and the Caribbean based radar system.

(3) The Secretary shall submit the results of the study required by paragraph (1) to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

(4) Of the amount made available for procurement under section 1001(2), $3,000,000 shall be available to carry out the study required by paragraph (1).

(b) Testbed Facility.—Of the amount made available for procurement under section 1001(2) for the over-the-horizon radar, $6,000,000 shall be used for the procurement of a commercial testbed facility for the over-the-horizon radar to serve as an interim facility until the study required by subsection (a) is completed and the need for an over-the-horizon radar for drug interdiction is determined.

(c) Limitation on Other Spending.—The balance of other funds made available for procurement under section 1001(2) for the over-the-horizon radar may not be obligated until 30 days after—

(1) the Secretary of Defense certifies to Congress, after conclusion of the study required by subsection (a), that such a system is needed, meets the requirements of the drug interdiction program, and would be the most cost effective system when compared with the cost of additional investment in other radar systems or other intelligence programs; and

(2) in the event the Over-The-Horizon Backscatter radar (OTH-B) is determined to be the most suitable over-the-horizon radar system, the Office of Test and Evaluation certifies to Congress that the East Coast System of the OTH-B meets all contract requirements and performance specifications con-

tained in the Test and Evaluation Master Plan and the Operation Test Plan for that system.

SEC. 1003. CIVIL AIR PATROL

Of the amount made available for operation and maintenance under section 1001(1), $1,000,000 shall be available to the Secretary of Defense for the purpose of paying expenses incurred by the Civil Air Patrol in conducting drug surveillance flights.

SEC. 1004. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES

(a) Support to Other Agencies.—During fiscal year 1991, the Secretary of Defense may provide support for the counter-drug activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency for any of the purposes set forth in subsection (b) if such support is requested—

(1) by the official who has responsibility for the counter-drug activities of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government;

(2) by the appropriate official of a State or local government, in the case of support for State or local law enforcement agencies; or

(3) by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities, in the case of support for foreign law enforcement agencies.

(b) Types of Support.—The purposes for which the Secretary may provide support under subsection (a) are the following:

(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State or local government by the Department of Defense for the purposes of—

(A) preserving the potential future utility of such equipment for the Department of Defense; and

(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in subparagraph (A) for the purpose of—

(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.

(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities within or outside the United States.

(4) The establishment (including unspecified minor construction) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities within or outside the United States.

(5) Counter-drug related training of law enforcement personnel of the Federal Government, of State and local governments,

and of foreign countries, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

(6) Aerial and ground reconnaissance outside, at, or near the borders of the United States.

(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

(c) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

(d) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of title 10, United States Code, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

(e) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1564)) for the purpose of aiding civilian law enforcement agencies.

(f) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of chapter 18 of title 10, United States Code.

(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (d), section 376 of title 10, United States Code.

(g) AVAILABILITY OF FUNDS.—Of the amount made available for operation and maintenance under section 1001(1), $50,000,000 shall be available to the Secretary of Defense for the purpose of carrying out this section.

SEC. 1005. TRANSFER OF EXCESS DEFENSE ARTICLES

Pursuant to section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 372 note) and section 372 of title 10, United States Code, the Secretary of Defense shall review the availability of equipment resulting from the withdrawal of United States forces from Europe and Asia for the purpose of identifying excess equipment that may be suitable for drug enforcement activities for transfer to appropriate Federal, State, or local civilian law enforcement authorities.

SEC. 1006. SENSE OF CONGRESS REGARDING THE EFFECTIVE USE OF COUNTER-DRUG FUNDS

It is the sense of Congress that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff should continue to emphasize he commitment of the Department of Defense to its extremely mportant mission of combating illegal drugs so that the entire hain of command of the Department of Defense fully and effecively uses funds of the Department to ensure the maximum conribution of the Armed Forces to the national counter-drug effort.

EC. 1007. REPORT ON DEFENSE SPENDING FOR COUNTER-DRUG ACTIVITIES

(a) Report Required.—Not later than six months after the date of he enactment of this Act, the Comptroller General of the United tates shall submit to the congressional defense committees, the enate Caucus on International Narcotics Control, and the Select ommittee on Narcotics Abuse and Control of the House of Repesentatives a report examining the counter-drug budget and xpenditures of the Department of Defense.

(b) Contents.—The report required by subsection (a) shall include e following:

(1) An analysis of the funds authorized and appropriated in fiscal years 1989 and 1990 for the counter-drug activities of the Department of Defense, including—

(A) an examination of how those funds were obligated and expended, including a month-by-month breakdown of obligations and expenditures;

(B) a determination of whether there were delays in obligating and expending those funds and the reasons for any such delays; and

(C) an accounting of the amount of funds available for counter-drug activities that lapsed at the end of each of the fiscal years.

(2) A determination of whether there has been a systemic failure in the timely obligation and expenditure of funds appropriated for the counter-drug activities of the Department of Defense for fiscal years 1989 and 1990.

(3) An analysis of the effectiveness of the role of the Department of Defense Coordinator for Drug Enforcement Policy and Support, including—

(A) a determination whether the responsibility of serving as both the Assistant Secretary of Defense for Reserve Affairs and Coordinator for Drug Enforcement Policy and Support complicates the ability of the Assistant Secretary to coordinate all entities within the Department of Defense in the counter-drug mission; and

(B) a determination regarding the adequacy of personnel levels in the Office of the Assistant Secretary to meet his responsibility for coordinating counter-drug activities within the Department of Defense and ensuring that funds appropriated for such activities are obligated and expended in a timely manner.

(4) Recommendations for correcting any problems found in the course of the review.

SEC. 1008. STUDY OF UTILITY OF OH-58D HELICOPTER IN DETECTION OF CROSS-BORDER INTRUSIONS BY DRUG SMUGGLERS

(a) **Study Required.**—The Secretary of Defense shall conduct a study on the feasibility and effectiveness of using the OH-58D Scout helicopters for detecting, monitoring, and conducting surveillance of the ground movements of drug smugglers along the southwest border of the United States. In carrying out such study, the Secretary shall consider in particular the following matters:

(1) The suitability of the OH-58D helicopter for performing the missions described in the first sentence.

(2) The feasibility of having personnel of the Army National Guard operate and maintain OH-58D helicopters when such personnel are not in Federal service.

(b) **Interagency Coordination.**—The Secretary shall carry out the study required by subsection (a) in consultation with the Commissioner of the United States Customs Service.

(c) **Submission of Report.**—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the study required by subsection (a) not more than 180 days after the date of the enactment of this Act. The Secretary shall include in the report the conclusions of the Secretary based on the study together with such comments and recommendation as the Secretary considers appropriate.

SEC. 1009. ANDEAN ANTI-DRUG EFFORTS

(a) **Findings.**—Congress makes the following findings:

(1) The support for democratic process and civilian governance in the Andean countries of Peru, Bolivia, and Colombia, the first two of which have only recently emerged from periods of military rule, is a necessary precondition for long-term stability in those countries and for the successful fight against the production and traffic of illegal drugs in those countries.

(2) The separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States.

(3) There is a need to determine whether the current policies of the United States unduly emphasize assistance to military entities of those countries rather than civilian law enforcement entities in carrying out anti-drug efforts in those countries and whether such policies might tend to undermine the dual long-term policy goals of the United States of stopping the traffic of drugs at their sources and the preservation of civilian control over the newly established democracies of the Andean countries.

(4) There is a need to assess the impact that United States assistance in the Andean anti-drug effort will have on reducing drug activity and supporting democratic processes in the Andean countries.

(b) **Report Required.**—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall, in consultation with the Director of the Office of National Drug Control Policy, jointly submit to Congress a report detailing current United States policies with respect to the Andean countries in general and with respect to the counter-drug enforcement activities and associated training programs of the United States in such countries in particular.

h report shall include an analysis of the impact that the
ent of the military forces of the Andean countries in
irug enforcement activities has on the democratic institu-
those countries and how the civilian institutions of those
might be strengthened in order to assure the successful
f a counter-drug strategy.

h report shall contain specific legislative recommendations
oving the assistance activities of the United States in the
countries in order to avoid unnecessary duplications and
tions in meeting United States policy goals in those

CREATION OF A MULTILATERAL COUNTER-DRUG STRIKE
FORCE

DINGS.—Congress makes the following findings:
Congress has in the past sought approval for a multilateral
e force dedicated to the war on drugs.
The proposal by the Prime Minister of Jamaica for the
ion of a multilateral, international counter-drug strike
is the first operative proposal for the use of a multilateral
against the drug cartels in Latin America by a govern-
leader in the Western Hemisphere and should be given
is consideration.
SE OF THE CONGRESS.—It is the sense of Congress that—
the Prime Minister of Jamaica is to be commended for his
sal;
the President should call for international negotiations for
urpose of discussing the establishment of an international
force to counter international drug traffickers; and
the United States should work through the United Nations
ther multilateral organizations to determine the feasibil-
establishing and using a force and should assist in the
ishment of such a force if the President determines the
sal to be feasible.

OUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER 21 USC 1502a

f the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501 et seq.)
d by inserting after section 1003 the following new section:

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

ABLISHMENT.—There is established within the Office of
Drug Control Policy, the Counter-Drug Technology Assess-
er (hereinafter in this section referred to as the 'Center').
r shall operate under the authority of the Director of
Drug Control Policy and shall serve as the central counter-
rcement research and development organization of the
tes Government.
ECTOR.—There shall be at the head of the Center the Chief
f Counter-Drug Technology (hereinafter in this section
o as the 'Chief Scientist'). The Chief Scientist shall be
by the Director of National Drug Control Policy from
ividuals qualified and distinguished in the area of science,
g, or technology.
TIONAL RESPONSIBILITIES OF THE DIRECTOR.—(1) The Direc-
through the Chief Scientist, shall—

"(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug enforcement agencies, including—

"(i) advanced surveillance, tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and graviton) and other means of detection;

"(B) make a priority ranking of such needs according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Strategy;

"(C) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments; and

"(D) under the general authority of the Director of National Drug Control Policy, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug enforcement research and development.

"(2) The authority granted to the Director under this section shall not extend to the award of contracts, management of individual projects, or other operational activities.

President.

"(d) COUNTER-DRUG BUDGET SUBMISSION.—Beginning with the budget submitted to Congress for fiscal year 1992 pursuant to section 1105 of title 31, United States Code, the President shall submit a separate and detailed request relating to those Federal departments and agencies having responsibility for counter-drug enforcement research and development programs.

"(e) PERSONNEL.—Subject to subsections (d) and (e) of section 1003, the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering, and technical affairs.".

TITLE XI—OPERATION DESERT SHIELD

PART A—FUNDING MATTERS

SEC. 1101. SUPPLEMENTAL FUNDS FOR FISCAL YEAR 1990

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—The appropriations and transfers made by title II of Public Law 101-403 are hereby authorized. The authorizations in the preceding sentence are in addition to the amounts authorized to be appropriated for fiscal year 1990 by the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189).

(b) PURPOSES FOR WHICH SUPPLEMENTAL FUNDS MAY BE USED.—Funds appropriated or otherwise made available by title II of Public Law 101-403 (other than for "Other Procurement, Army" and for "Research, Development, Test, and Evaluation, Navy") may be used only—

(1) for the purposes stated in section 201 of that Public Law; or

(2) to liquidate obligations incurred by the Department of Defense during fiscal year 1990 pursuant to authority under section 2201 of title 10, United States Code.

SEC. 1102. ACCOUNTING FOR COSTS OF OPERATION DESERT SHIELD

The Secretary of Defense shall maintain separate financial and cost records for Operation Desert Shield. Those records shall include records showing the amount and use of any contributions made by other nations.

PART B—MILITARY PERSONNEL MATTERS

SEC. 1111. MILITARY PAY AND ALLOWANCES

(a) IMMINENT DANGER PAY.—The Secretary of Defense may provide for the payment of imminent danger pay under section 310 of title 37, United States Code, to members of the Armed Forces assigned to duty in the Persian Gulf area in connection with Operation Desert Shield with respect to periods of duty served after August 1, 1990, and before the date of the enactment of this Act.

(b) VARIABLE HOUSING ALLOWANCE.—(1) In the case of Reserve members called or ordered to active duty (other than for training) and retired members called to active duty under section 688 of title 10, United States Code, in connection with Operation Desert Shield, the variable housing allowance under section 403a of title 37, United States Code, shall be paid to such members for fiscal year 1990 and during fiscal year 1991 without regard to the limitation in subsection (b)(3) of that section.

(2) The limitation in subsection (d) of that section on the total amount of variable housing allowance that may be paid for a fiscal year shall not apply for fiscal year 1991.

(c) SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.—(1) A reserve medical or dental officer described in paragraph (2) shall be eligible during fiscal years 1990 and 1991 for special pay under section 302 or 302b of title 37, United States Code (whichever applies), in the same manner as a regular medical or dental officer, notwithstanding the requirements in those sections that the call or order to active duty be for a period of not less than one year or that the officer execute a written agreement to remain on active duty for a period of not less than one year.

(2) A reserve medical or dental officer referred to in paragraph (1) is a reserve officer in an active status who—

(A) is an officer of the Medical or Dental Corps of the Army or the Navy or an officer of the Air Force designated as a medical or dental officer; and

(B) is on active duty (other than for training) under a call or order to active duty for a period of less than one year in connection with Operation Desert Shield.

(3) Payment of special pay under section 302 or 302b of title 37, United States Code, pursuant to this subsection may be made on a monthly basis. If the service on active duty of a reserve medical or dental officer referred to in paragraph (1) is terminated before the end of the period for which a payment is made under those sections to the officer, the officer is entitled to special pay under those sections only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

(4) While a reserve medical officer referred to in paragraph (1) receives special pay under section 302 of title 37, United States Code,

by operation of that paragraph, the officer shall not be entitled to special pay under subsection (h) of that section.

SEC. 1112. SENSE OF CONGRESS CONCERNING ACTIVATION OF NATIONAL GUARD COMBAT BRIGADE

It is the sense of Congress that the President should order to active Federal service at least one Army National Guard combat brigade for deployment in the Persian Gulf region in connection with Operation Desert Shield.

SEC. 1113. TECHNICAL AMENDMENT CONCERNING MAILING PRIVILEGES FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION DESERT SHIELD

Section 3401 of title 39, United States Code, is amended by striking out "sound-recorded" each place it appears and inserting in lieu thereof "sound- or video-recorded".

SEC. 1114. SAVINGS PROGRAM FOR OVERSEAS PERSONNEL

(a) ELIGIBILITY TO PARTICIPATE.—The Secretary of Defense may authorize a member of the Armed Forces who is serving outside the United States or its possessions under arduous conditions (as determined by the Secretary of Defense) during fiscal year 1990 or 1991 pursuant to an assignment or duty detail as part of Operation Desert Shield to make deposits of unallotted current pay and allowances, and to earn interest, under section 1035 of title 10, United States Code.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations establishing standards and procedures for the administration of this section.

SEC. 1115. TREATMENT OF ACCUMULATED LEAVE

(a) INAPPLICABILITY OF ELIGIBILITY LIMITATION.—The limitation in the second sentence of section 501(b)(3) of title 37, United States Code, does not apply with respect to the following leave during fiscal year 1990 or 1991:

(1) Leave accrued by a member of a reserve component of the Armed Forces while serving on active duty (other than for training) in connection with Operation Desert Shield pursuant to an order to active duty authorized under section 672, 673, 673b, or 674 of title 10, United States Code.

(2) Leave accrued by a member of the Armed Forces in the Retired Reserve while serving on active duty in connection with Operation Desert Shield pursuant to an order to active duty authorized by section 675 of title 10, United States Code.

(3) Leave accrued by a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, a member of the Retired Reserve, or a member of the Fleet Reserve or Fleet Marine Corps Reserve while such retired member or member, as the case may be, is serving on active duty in connection with Operation Desert Shield pursuant to an order to active duty authorized by section 688 of title 10, United States Code.

(4) Leave accrued by a member referred to in paragraph (1), (2), or (3) while serving on active duty (other than for training) in connection with Operation Desert Shield pursuant to an order to such active duty issued with the consent of the member during a period in which members of the Armed Forces are

being ordered to active duty in connection with such operation pursuant to a provision of title 10, United States Code, referred to in such paragraph.

(b) SAVING PROVISION FOR CERTAIN ACCRUED LEAVE.—(1) Subject to paragraph (2), a member of the Armed Forces who, under section 701(f) of title 10, United States Code—

(A) would lose any accumulated leave in excess of 60 days at the end of fiscal year 1991 shall be permitted to retain such leave until the end of fiscal year 1992; or

(B) would lose any accumulated leave in excess of 60 days at the end of fiscal year 1992 (other than by reason of clause (A)) shall be permitted to retain such leave until the end of fiscal year 1993.

(2) In no case may a member be permitted to accumulate leave under this section in excess of 90 days.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations establishing standards and procedures for the administration of this section.

SEC. 1116. REPORT ON OPTIONS FOR REFORMING THE BASIC ALLOWANCE FOR SUBSISTENCE ENTITLEMENT

The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on various options for reforming the basic allowance for subsistence entitlement provided for under section 402 of title 37, United States Code. The report shall address the problems resulting from termination of the allowance upon deployment for field or sea duty. The report shall be submitted not later than February 15, 1991.

SEC. 1117. END STRENGTH FLEXIBILITY

10 USC 115 note.

(a) AUTHORITY.—If the Secretary of Defense determines that the operational requirements of Operation Desert Shield require an increase in the end strengths of active duty personnel for fiscal year 1991 prescribed by section 401 in excess of the increases authorized under section 115(c)(1) of title 10, United States Code (as amended by section 1483 of this Act), the Secretary may (subject to subsection (b)) increase the total end strength authorized for the Army, Navy, Air Force, and Marine Corps by section 401 by an amount not greater than 0.5 percent of the total end strengths authorized by that section. The authority under the preceding sentence is in addition to the authority under section 115(c)(1) of title 10, United States Code (as amended by section 1483 of this Act).

(b) CERTIFICATION.—The Secretary of Defense may not exercise the authority provided in subsection (a) until after the Secretary certifies in writing to the Committees on Armed Services of the Senate and House of Representatives that the exercise of that authority is necessary because of the operational requirements of Operation Desert Shield.

PART C—PROCUREMENT MATTERS

SEC. 1121. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES

(a) INCREASED FLEXIBILITY FOR OPERATION DESERT SHIELD.—During fiscal year 1991, the small purchase procurement threshold in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of Operation Desert

Shield shall be $100,000 (rather than the amount specified in section 2304(g)(2) of title 10, United States Code).

(b) Small Purchase Procurement Threshold Defined.—For purposes of this section, the term "small purchase procurement threshold" means the maximum amount of a purchase or contract for which the special simplified procurement procedures established pursuant to section 2304(g)(1) of title 10, United States Code, may be used.

TITLE XII—DEFENSE ACQUISITION WORKFORCE

Defense Acquisition Workforce Improvement Act.
10 USC 1701 note.

SEC. 1201. SHORT TITLE

This title may be cited as the "Defense Acquisition Workforce Improvement Act".

SEC. 1202. DEFENSE ACQUISITION WORKFORCE

(a) Defense Acquisition Workforce.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 85 the following new section:

"CHAPTER 87—DEFENSE ACQUISITION WORKFORCE

"Subchapter Sec
"I. General Authorities and Responsibilities 1701
"II. Defense Acquisition Positions 1721
"III. Acquisition Corps 1731
"IV. Education and Training 1741
"V. General Management Provisions 1761

"SUBCHAPTER I—GENERAL AUTHORITIES AND RESPONSIBILITIES

"Sec.
"1701. Management policies.
"1702. Under Secretary of Defense for Acquisition: authorities and responsibilities
"1703. Director of Acquisition Education, Training, and Career Development.
"1704. Service acquisition executives: authorities and responsibilities.
"1705. Directors of Acquisition Career Management in the military departments.
"1706. Acquisition career program boards.
"1707. Personnel in the Office of the Secretary of Defense and in the Defense Agencies.

"§ 1701. Management policies

"(a) Policies and Procedures.—The Secretary of Defense shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in acquisition positions in the Department of Defense.

"(b) Uniform Implementation.—The Secretary shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established in accordance with this chapter are uniform in their implementation throughout the Department of Defense.

"§ 1702. Under Secretary of Defense for Acquisition: authorities and responsibilities

"Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition shall carry out all powers, functions, and duties of the Secretary of

Defense with respect to the acquisition workforce in the Department of Defense. The Under Secretary shall ensure that the policies of the Secretary of Defense established in accordance with this chapter are implemented throughout the Department of Defense.

"§ 1703. Director of Acquisition Education, Training, and Career Development

"The Under Secretary of Defense for Acquisition shall appoint a Director of Acquisition Education, Training, and Career Development within the office of the Under Secretary to assist the Under Secretary in the performance of his duties under this chapter.

"§ 1704. Service acquisition executives: authorities and responsibilities

"Subject to the authority, direction, and control of the Secretary of the military department concerned, the service acquisition executive for each military department shall carry out all powers, functions, and duties of the Secretary concerned with respect to the acquisition workforce within the military department concerned and shall ensure that the policies of the Secretary of Defense established in accordance with this chapter are implemented in that department.

"§ 1705. Directors of Acquisition Career Management in the military departments

"There shall be a Director of Acquisition Career Management for each military department within the office of the service acquisition executive to assist the executive in the performance of his duties under this chapter. The Secretary of the Navy, acting through the service acquisition executive, may appoint separate directors for the Navy and the Marine Corps.

"§ 1706. Acquisition career program boards

"(a) ESTABLISHMENT.—The Secretary of each military department, acting through the service acquisition executive, shall establish an acquisition career program board to advise the service acquisition executive in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for an Acquisition Corps under section 1731 of this title.

"(b) COMPOSITION OF BOARD.—Each acquisition career program board shall include the Director of Acquisition Career Management (or his representative), the Assistant Secretary with responsibility for manpower (or his representative), and the military and civilian senior officials with responsibility for personnel development in the various acquisition career fields. The service acquisition executive (or his representative) shall be the head of the board.

"(c) SUBORDINATE BOARDS.—The Secretary of a military department may establish a subordinate board structure in the department to which functions of the acquisition career program board may be delegated.

"§ 1707. Personnel in the Office of the Secretary of Defense and in the Defense Agencies

"(a) POLICIES.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish and implement, in such manner as the Secretary considers appropriate, policies and procedures for the effective management, including accession, education, training, and career development, of persons serving in acquisition positions in the Office of the Secretary of Defense and the Defense Agencies. Such policies and procedures shall include (1) the establishment of one or more Acquisition Corps with respect to such persons, and (2) the establishment of an acquisition career program board (and any appropriate subordinate board structure) with respect to such persons. The Secretary shall ensure that, to the maximum extent practicable, such policies and procedures are as uniform as practicable with the policies established under this chapter for the military departments.

"(b) MANAGEMENT.—The Director of Acquisition Education, Training, and Career Development appointed under section 1703 of this title shall serve as the Director of Acquisition Career Management for the Office of the Secretary of Defense and for the Defense Agencies.

"SUBCHAPTER II—DEFENSE ACQUISITION POSITIONS

"Sec.

"1721. Designation of acquisition positions.
"1722. Career development.
"1723. General education, training, and experience requirements.
"1724. Contracting positions: qualification requirements.
"1725. Office of Personnel Management approval.

"§ 1721. Designation of acquisition positions

Regulations.

"(a) DESIGNATION.—The Secretary of Defense shall designate in regulations those positions in the Department of Defense that are acquisition positions for purposes of this chapter.

"(b) REQUIRED POSITIONS.—In designating the positions under subsection (a), the Secretary shall include, at a minimum, all acquisition-related positions in the following areas:

"(1) Program management.

"(2) Systems planning, research, development, engineering, and testing.

"(3) Procurement, including contracting.

"(4) Industrial property management.

"(5) Logistics.

"(6) Quality control and assurance.

"(7) Manufacturing and production.

"(8) Business, cost estimating, financial management, and auditing.

"(9) Education, training, and career development.

"(10) Construction.

"(11) Joint development and production with other government agencies and foreign countries.

"(c) MANAGEMENT HEADQUARTERS ACTIVITIES.—The Secretary also shall designate as acquisition positions under subsection (a) those acquisition-related positions which are in management headquarters activities and in management headquarters support activities. For purposes of this subsection, the terms 'management headquarters activities' and 'management headquarters support activities' have the meanings given those terms in Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities," dated November 25, 1988.

Career development

AREER PATHS.—The Secretary of Defense, acting through the
ecretary of Defense for Acquisition, shall ensure that appro-
reer paths for civilian and military personnel who wish to
areers in acquisition are identified in terms of the edu-
raining, experience, and assignments necessary for career
on of civilians and members of the armed forces to the most
cquisition positions. The Secretary shall make available
l information on such career paths.
MITATION ON PREFERENCE FOR MILITARY PERSONNEL.—(1)
etary of Defense shall ensure that no requirement or
e for a member of the armed forces is used in the consider-
ersons for acquisition positions, except as provided in the
ablished under paragraph (2).
The Secretary shall establish a policy permitting a particu-
ition position to be specified as available only to members
med forces if a determination is made, under criteria
in the policy, that a member of the armed forces is
or that position by law, is essential for performance of the
he position, or is necessary for another compelling reason.
t later than December 15 of each year, the Under Sec- Reports.
Defense for Acquisition shall submit to the Secretary a
t lists each acquisition position that is restricted to mem-
armed forces under such policy and the recommendation
ler Secretary as to whether such position should remain so

ORTUNITIES FOR CIVILIANS TO QUALIFY.—The Secretary of
all ensure that civilian personnel are provided the oppor-
cquire the education, training, and experience necessary
or senior acquisition positions.
QUALIFIED.—The Secretary of Defense shall ensure that
s established under this chapter are designed to provide
lection of the best qualified individual for a position,
with other applicable law.
NAGEMENT OF WORKFORCE.—The Secretary of Defense
e that the acquisition workforce is managed such that,
scal year from October 1, 1991, through September 30,
is a substantial increase in the proportion of civilians (as
o armed forces personnel) serving in critical acquisition
general, in program manager positions, and in division
ons over the proportion of civilians (as compared to
s personnel) in such positions on October 1, 1990.
NMENTS POLICY.—(1) The Secretary of Defense shall
policy on assigning military personnel to acquisition
at provides for a balance between (A) the need for
serve in career broadening positions, and (B) the need
g service in each such position for sufficient time to
stability necessary to effectively carry out the duties of
and to allow for the establishment of responsibility and
ty for actions taken in the position.
plementing the policy established under paragraph (1),
ies of the military departments shall provide, as appro-
onger lengths of assignments to acquisition positions
ents to other positions.
RMANCE APPRAISALS.—The Secretary of each military
acting through the service acquisition executive for

that department, shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in an acquisition position by a person serving in an acquisition position in the same acquisition career field.

Equal employment opportunity.

"(h) BALANCED WORKFORCE POLICY.—In the development of defense acquisition workforce policies under this chapter with respect to any civilian employees or applicants for employment, the Secretary of Defense or the Secretary of a military department (as applicable) shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

"§ 1723. General education, training, and experience requirements

"(a) QUALIFICATION REQUIREMENTS.—The Secretary of Defense shall establish education, training, and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. Unless otherwise provided in this chapter, such requirements shall take effect not later than October 1, 1993. In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

"(b) LIMITATION ON CREDIT FOR TRAINING OR EDUCATION.—Not more than one year of a period of time spent pursuing a program of academic training or education in acquisition may be counted toward fulfilling any requirement established under this chapter for a certain period of experience.

"§ 1724. Contracting positions: qualification requirements

"(a) CONTRACTING OFFICERS.—The Secretary of Defense shall require that, beginning on October 1, 1993, in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the small purchase threshold referred to in section 2304(g) of this title, a person must (except as provided in subsections (c) and (d))—

"(1) have completed all mandatory contracting courses required for a contracting officer at the grade level, or in the position within the grade of the General Schedule (in the case of an employee), that the person is serving in;

"(2) have at least two years of experience in a contracting position;

"(3)(A) have received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees, (B) have completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management, or (C) have passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the disciplines listed in subparagraph (B); and

(4) meet such additional requirements, based on the dollar
ue and complexity of the contracts awarded or administered
the position, as may be established by the Secretary of
ense for the position.

S-1102 SERIES.—The Secretary of Defense shall require that,
ng on October 1, 1993, a person may not be employed by the
nent of Defense in the GS-1102 occupational series unless
son (except as provided in subsections (c) and (d)) meets the
ments set forth in subsection (a)(3).

XCEPTIONS.—(1) The requirements set forth in subsections
d (b) shall not apply to any employee who, on October 1,
s at least 10 years of experience in acquisition positions, in
ble positions in other government agencies or the private
r in similar positions in which an individual obtains experi-
ectly relevant to the field of contracting.

ne requirements of subsections (a) and (b) shall not apply to
loyee for purposes of qualifying to serve in the position in
he employee is serving on October 1, 1993, or any other
in the same grade and involving the same level of respon-
as the position in which the employee is serving on such

AIVER.—The acquisition career program board of a military
ent may waive any or all of the requirements of subsections
) with respect to an employee of that military department
oard certifies that the employee possesses significant
for advancement to levels of greater responsibility and
, based on demonstrated job performance and qualifying
ce. With respect to each waiver granted under this subsec-
board shall set forth in a written document the rationale
cision to waive such requirements. The document shall be
d to and retained by the Director of Acquisition Education,
and Career Development.

Office of Personnel Management approval

UALIFICATION REQUIREMENTS.—The Secretary of Defense
mit any requirement with respect to civilian employees
tablished under section 1723 or under section 1724(a)(4) of
to the Director of the Office of Personnel Management for
If the Director does not disapprove the requirement within
fter the date on which the Director receives the require-
requirement is deemed to be approved by the Director.
AMINATIONS.—The Secretary of Defense shall submit
ions to be given to civilian employees under subsection
) of section 1724 of this title to the Director of the Office of
Management for approval. If the Director does not dis-
n examination within 30 days after the date on which the
eceives the examination, the examination is deemed to be
by the Director.

"SUBCHAPTER III—ACQUISITION CORPS

sition Corps: in general.
ion criteria and procedures.
al acquisition positions.
r development.
tion, training, and experience requirements for critical acquisition posi-
tions.

"1736. Applicability.
"1737. Definitions and general provisions.

"§ 1731. Acquisition Corps: in general

"(a) Acquisition Corps.—The Secretary of Defense shall ensure that an Acquisition Corps is established for each of the military departments and one or more Corps, as he considers appropriate, for the other components of the Department of Defense. A separate Acquisition Corps may be established for each of the Navy and the Marine Corps.

"(b) Promotion Rate for Officers in Acquisition Corps.—The Secretary of Defense shall ensure that the qualifications of commissioned officers selected for an Acquisition Corps are such that those officers are expected, as a group, to be promoted at a rate not less than the rate for all line (or the equivalent) officers of the same armed force (both in the zone and below the zone) in the same grade.

"(c) OPM Approval.—The Secretary of Defense shall submit any requirement with respect to civilian employees established under section 1732 of this title to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

"§ 1732. Selection criteria and procedures

"(a) Selection Criteria and Procedures.—Selection for membership in an Acquisition Corps shall be made in accordance with criteria and procedures established by the Secretary of Defense. Such criteria and procedures shall be in effect on and after October 1, 1993.

"(b) Eligibility Criteria.—Except as provided in subsections (c) and (d), only persons who meet all of the following requirements may be considered for service in the Corps:

"(1)(A) In the case of an employee, the person must be currently serving in a position within grade GS–13 or above of the General Schedule (including any employee covered by chapter 54 of title 5).

"(B) In the case of a member of the armed forces, the person must be currently serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade.

"(C) In the case of an applicant for employment, the person must have experience in government or industry equivalent to the experience of a person in a position described in subparagraph (A) or (B), as validated by the appropriate career program management board.

"(2) The person must meet the educational requirements prescribed by the Secretary of Defense. Such requirements, at a minimum, shall include both of the following:

"(A) A requirement that the person—

"(i) has received a baccalaureate degree at an accredited educational institution authorized to grant baccalaureate degrees, or

"(ii) has been certified by the acquisition career program board of the employing military department as possessing significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience.

"(B) A requirement that the person has completed—

"(i) at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education from among the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management; or

"(ii) at least 24 semester credit hours (or the equivalent) from an accredited institution of higher education in the person's career field and 12 semester credit hours (or the equivalent) from such an institution from among the disciplines listed in clause (i).

"(3) The person must meet experience requirements prescribed by the Secretary of Defense. Such requirements shall, at a minimum, include a requirement for at least four years of experience in an acquisition position in the Department of Defense or in a comparable position in industry or government.

"(4) The person must meet such other requirements as the Secretary of Defense or the Secretary of the military department concerned prescribes by regulation.

"(c) Exceptions.—(1) The requirements of subsections (b)(2)(A) and (b)(2)(B) shall not apply to any employee who, on October 1, 1991, has at least 10 years of experience in acquisition positions or in comparable positions in other government agencies or the private sector.

"(2) The requirements of subsections (b)(2)(A) and (b)(2)(B) shall not apply to any employee who is serving in an acquisition position on October 1, 1991, and who does not have 10 years of experience as described in paragraph (1) if the employee passes an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education from among the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management. The Secretary of Defense shall submit examinations to be given to civilian employees under this paragraph to the Director of the Office of Personnel Management for approval. If the Director does not disapprove an examination within 30 days after the date on which the Director receives the examination, the examination is deemed to be approved by the Director.

"(d) Waiver.—(1) Except as provided in paragraph (2), the acquisition career program board of a military department may waive any or all of the requirements of subsection (b) with respect to an employee of that military department if the board certifies that the employee possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. The document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.

"(2) The acquisition career program board of a military department may not waive the requirements of subsection (b)(2)(A)(ii).

"(e) Mobility Statements.—(1) The Secretary of Defense is authorized to require civilians in an Acquisition Corps to sign mobility statements.

"(2) The Secretary of Defense shall identify which categories of civilians in an Acquisition Corps, as a condition of serving in the Corps, shall be required to sign mobility statements. The Secretary shall make available published information on such identification of categories.

"§ 1733. Critical acquisition positions

"(a) Requirement for Corps Member.—On and after October 1, 1993, a critical acquisition position may be filled only by a member of an Acquisition Corps.

"(b) Designation of Critical Acquisition Positions.—(1) The Secretary of Defense shall designate the acquisition positions in the Department of Defense that are critical acquisition positions. Such positions shall include the following:

"(A) Any acquisition position which—

"(i) in the case of employees, is required to be filled by an employee in a position within grade GS-14 or above of the General Schedule (including an employee covered by chapter 54 of title 5), or in the Senior Executive Service; or

"(ii) in the case of members of the armed forces, is required to be filled by a commissioned officer of the Army, Navy, Air Force, or Marine Corps who is serving in the grade of lieutenant colonel, or, in the case of the Navy, commander, or a higher grade.

"(B) Other selected acquisition positions not covered by subparagraph (A), including the following:

"(i) Program executive officer.

"(ii) Program manager of a major defense acquisition program (as defined in section 2430 of this title) or of a significant nonmajor defense acquisition program (as defined in section 1736(a)(3) of this title).

"(iii) Deputy program manager of a major defense acquisition program.

"(C) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

"(2) The Secretary shall periodically publish a list of the positions designated under this subsection.

"§ 1734. Career development

"(a) Three-Year Assignment Period.—(1) Except as provided under subsection (b), the Secretary of each military department, acting through the service acquisition executive for that department, shall provide that, on and after October 1, 1993, any person who is assigned to a critical acquisition position shall be assigned to the position for not fewer than three years. Except as provided in subsection (d), the Secretary concerned may not reassign a person from such an assignment before the end of the three-year period.

"(2) A person may not be assigned to a critical acquisition position unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to remain in Federal service (in the case of an employee) in that position for at

three years. The service obligation contained in such a written
ment shall remain in effect unless and until waived by the
tary concerned under subsection (b).
) Assignment Period for Program Managers.—(1) The Sec- Regulations.
y of Defense shall prescribe in regulations—
"(A) a requirement that, on and after October 1, 1991, a
rogram manager and a deputy program manager of a major
efense acquisition program be assigned to the position at least
ntil completion of the major milestone that occurs closest in
me to the date on which the person has served in the position
r four years; and
"(B) a requirement that, on and after October 1, 1991, to the
aximum extent practicable, a program manager who is the
eplacement for a reassigned program manager arrive at the
signment location before the reassigned program manager
aves.
t as provided in subsection (d), the Secretary concerned may
assign a program manager or deputy program manager from
n assignment until after such major milestone has occurred.
A person may not be assigned to a critical acquisition position
program manager or deputy program manager of a major
e acquisition program unless the person executes a written
nent to remain on active duty (in the case of a member of the
forces) or to remain in Federal service (in the case of an
yee) in that position at least until completion of the first major
one that occurs closest in time to the date on which the person
rved in the position for four years. The service obligation
ned in such a written agreement shall remain in effect unless
ntil waived by the Secretary concerned under subsection (d).
Major Milestone Regulations.—(1) The Secretary of De-
shall issue regulations defining what constitutes major mile-
for purposes of this section. The service acquisition executive
military department shall establish major milestones at the
ing of a major defense acquisition program consistent with
egulations and shall use such milestones to determine the
ment period for program managers and deputy program man-
nder subsection (b).
The regulations shall require that major milestones be clearly
le and measurable events that mark the completion of a
ant phase in a major defense acquisition program and that
ilestones be the same as the milestones contained in the
e description established for the program pursuant to section
of this title. The Secretary shall require that the major
nes as defined in the regulations be included in the Selected
ition Report required for such program under section 2432 of
le.
Waiver of Assignment Period.—(1) With respect to a person
d to a critical acquisition position, the Secretary concerned
aive the prohibition on reassignment of that person (in
ion (a)(1) or (b)(1)) and the service obligation in an agreement
d by that person (under subsection (a)(2) or (b)(2)), but only in
onal circumstances in which a waiver is necessary for
permitted in regulations prescribed by the Secretary of
e.
he authority to grant such waivers may be delegated by the
acquisition executive of a military department only to the

Director of Acquisition Career Management for the military depar ment.

"(3) With respect to each waiver granted under this subsectio the service acquisition executive (or his delegate) shall set forth in written document the rationale for the decision to grant the waive The document shall be submitted to the Director of Acquisitio Education, Training, and Career Development.

"(e) ROTATION POLICY.—(1) The Secretary of Defense shall esta lish a policy encouraging the rotation of members of an Acquisitio Corps serving in critical acquisition positions to new assignmen after completion of five years of service in such positions, or, in th case of a program manager, after completion of a major progra milestone, whichever is longer. Such rotation policy shall be d signed to ensure opportunities for career broadening assignmen and an infusion of new ideas into critical acquisition position

"(2) The Secretary of Defense shall establish a procedure unde which the assignment of each person assigned to a critical acquis tion position shall be reviewed on a case-by-case basis, by th acquisition career program board of the department concerned, fo the purpose of determining whether the Government and suc person would be better served by a reassignment to a differen position. Such a review shall be carried out with respect to eac such person not later than five years after that person is assigned a critical position.

Regulations.

"(f) CENTRALIZED JOB REFERRAL SYSTEM.—The Secretary of De fense shall prescribe regulations providing for the use of centralize lists to ensure that persons are selected for critical positions withou regard to geographic location of applicants for such positions.

"(g) EXCHANGE PROGRAM.—(1) The Secretary of Defense sha establish, for purposes of broadening the experience of members each Acquisition Corps, a test program in which members of a Corp serving in a military department or Defense Agency are assigned detailed to an acquisition position in another department or agenc Under the test program, the Secretary of Defense shall ensure tha to the maximum extent practicable, at least 5 percent of the mem bers of the Acquisition Corps shall serve in such exchange assign ments each year. The test program shall operate for not less than period of three years.

"(2) The Secretary of Defense shall submit the portion of the tes program applicable to civilian employees to the Director of th Office of Personnel Management for approval. If the Director doe not disapprove that portion of the test program within 30 days afte the date on which the Director receives it, that portion of the tes program is deemed to be approved by the Director.

"(h) RESPONSIBILITY FOR ASSIGNMENTS.—The Secretary of eac military department, acting through the service acquisition executive for that department, is responsible for making assignments o civilian and military members of the Acquisition Corps of tha military department to critical acquisition positions.

"§ 1735. Education, training, and experience requirements fo critical acquisition positions

"(a) QUALIFICATION REQUIREMENTS.—In establishing the education, training, and experience requirements under section 1723 o this title for critical acquisition positions, the Secretary of Defense shall, at a minimum, include the requirements set forth in subsec tions (b) through (e).

"(b) Program Managers and Deputy Program Managers.—Before being assigned to a position as a program manager or deputy program manager of a major defense acquisition program or a significant nonmajor defense acquisition program, a person—

"(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution determined to be comparable by the Secretary of Defense;

"(2) must have executed a written agreement as required in section 1734(b)(2); and

"(3) in the case of—

"(A) a program manager or deputy program manager of a major defense acquisition program, must have at least eight years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

"(B) a program manager or deputy program manager of a significant nonmajor defense acquisition program, must have at least six years of experience in acquisition.

"(c) Program Executive Officers.—Before being assigned to a position as a program executive officer, a person—

"(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution in the private sector determined to be comparable by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition;

"(2) must have at least 10 years experience in an acquisition position, at least four years of which were performed while assigned to a critical acquisition position; and

"(3) must have held a position as a program manager or a deputy program manager.

"(d) General and Flag Officers and Civilians in Equivalent Positions.—Before a general or flag officer, or a civilian serving in a position equivalent in grade to the grade of such an officer, may be assigned to a critical acquisition position, the person must have at least 10 years experience in an acquisition position, at least four years of which were performed while assigned to a critical acquisition position.

"(e) Senior Contracting Officials.—Before a person may be assigned to a critical acquisition position as a senior contracting official, the person must have at least four years experience in contracting.

"§ 1736. Applicability

"(a) In General.—Except as provided in subsections (b) and (c), the qualification requirements prescribed pursuant to section 1735 shall apply to all critical acquisition positions not later than October 1, 1992.

"(b) Program Managers.—The qualification requirements prescribed pursuant to section 1735 shall apply with respect to program manager positions not later than October 1, 1991.

"(c) Exceptions.—The qualification requirements prescribed pursuant to sections 1733(a) and 1735(a) shall not apply—

"(1) to an employee who is serving in a critical acquisition position on October 1, 1992, for purposes of qualifying to continue to serve in such position; or

"(2) to a person who is serving in a program manager position on October 1, 1991, for purposes of qualifying to continue to serve in such position.

"§ 1737. Definitions and general provisions

"(a) Definitions.—In this subchapter:

"(1) The term 'program manager' means, with respect to a defense acquisition program, the member of an Acquisition Corps responsible for managing the program, regardless of the title given the member.

"(2) The term 'deputy program manager' means the person who has authority to act on behalf of the program manager in the absence of the program manager.

"(3) The term 'significant nonmajor defense acquisition program' means a Department of Defense acquisition program that is not a major defense acquisition program (as defined in section 2430 of this title) and that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $50,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $250,000,000 (based on fiscal year 1980 constant dollars).

"(4) The term 'program executive officer' has the meaning given such term in regulations prescribed by the Secretary of Defense.

"(5) The term 'senior contracting official' means a director of contracting, or a principal deputy to a director of contracting serving in the office of the Secretary of a military department, the headquarters of a military department, the head of a Defense Agency, a subordinate command headquarters, or in a major systems or logistics contracting activity in the Department of Defense.

"(b) Limitation.—Any civilian or military member of the Corps who does not meet the education, training, and experience requirements for a critical acquisition position established under this subchapter may not carry out the duties or exercise the authorities of that position, except for a period not to exceed six months, unless a waiver of the requirements is granted under subsection (c).

"(c) Waiver.—(1) The Secretary of each military department (acting through the service acquisition executive for that department) or the Secretary of Defense (acting through the Under Secretary of Defense for Acquisition) for Defense Agencies and other components of the Department of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary concerned (or official to whom the waiver authority is delegated) determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

"(2) The authority to grant such waivers may be delegated—

"(A) in the case of the service acquisition executives of the military departments, only to the Director of Acquisition Career Management for the military department concerned; and

"(B) in the case of the Under Secretary of Defense for Acquisition, only to the Director of Acquisition, Education, Training, and Career Development.

"(d) OPM APPROVAL.—The Secretary of Defense shall submit any requirement with respect to civilian employees established under this subchapter to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

"SUBCHAPTER IV—EDUCATION AND TRAINING

"Sec.
"1741. Policies and programs: establishment and implementation.
"1742. Intern program.
"1743. Cooperative education program.
"1744. Scholarship program.
"1745. Additional education and training programs available to acquisition personnel.
"1746. Defense acquisition university structure.

"§ 1741. Policies and programs: establishment and implementation

"(a) POLICIES AND PROCEDURES.—The Secretary of Defense shall establish policies and procedures for the establishment and implementation of the education and training programs authorized by this subchapter.

"(b) FUNDING LEVELS.—The Under Secretary of Defense for Acquisition each year shall recommend to the Secretary of Defense the funding levels to be requested in the defense budget to implement the education and training programs under this subchapter. The Secretary of Defense shall set forth separately the funding levels requested for such programs in the Department of Defense budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31.

"(c) PROGRAMS.—The Secretary of each military department, acting through the service acquisition executive for that department, shall establish and implement the education and training programs authorized by this subchapter. In carrying out such requirement, the Secretary concerned shall ensure that such programs are established and implemented throughout the military department concerned and, to the maximum extent practicable, uniformly with the programs of the other military departments.

"§ 1742. Intern program

"The Secretary of Defense shall require that each military department conduct an intern program for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into the Acquisition Corps.

"§ 1743. Cooperative education program

"The Secretary of Defense shall require that the Secretary of each military department conduct a department-wide cooperative education credit program under which students are employed by the Department of Defense in acquisition positions. Under the program, the Secretary shall enter into cooperative arrangements with one or more accredited institutions of higher education which provide for such institutions to grant undergraduate credit for work perform in such a position.

"§ 1744. Scholarship program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish scholarship program for the purpose of qualifying personnel f acquisition positions in the Department of Defense.

"(b) ELIGIBILITY.—To be eligible to participate in the scholarsh program, an individual must—

"(1) be accepted for enrollment or be currently enrolled as full-time student at an accredited educational institutio authorized to grant baccalaureate or graduate degrees (appropriate);

"(2) be pursuing a course of education that leads towar completion of a bachelor's, master's, or doctor's degree (appropriate) in a qualifying field of study, as determined by th Secretary of Defense;

"(3) sign an agreement described in subsection (c) unde which the participant agrees to serve a period of obligate service in the Department of Defense in an acquisition positio in return for payment of educational assistance as provided i the agreement; and

"(4) meet such other requirements as the Secretary pr scribes.

"(c) AGREEMENT.—An agreement between the Secretary of De fense and a participant in the scholarship program establishe under this section shall be in writing, shall be signed by the partic pant, and shall include the following provisions:

"(1) The Secretary's agreement to provide the participan with educational assistance for a specified number (from one t four) of school years during which the participant is pursuing course of education in a qualifying field of study. The assistanc may include payment of tuition, fees, books, laboratory ex penses, and a stipend.

"(2) The participant's agreement (A) to accept such educational assistance, (B) to maintain enrollment and attendanc in the course of education until completed, (C) while enrolled in such course, to maintain an acceptable level of academic standing (as prescribed by the Secretary), and (D) after completion of the course of education, to serve as a full-time employee in an acquisition position in the Department of Defense for a period of time of one calendar year for each school year or part thereo for which the participant was provided a scholarship under the scholarship program.

"(d) REPAYMENT.—(1) Any person participating in a program established under this section shall agree to pay to the United States the total amount of educational assistance provided to the person under the program if the person is voluntarily separated from service or involuntarily separated for cause from the Department of Defense before the end of the period for which the person has agreed to continue in the service of the Department of Defense in an acquisition position.

"(2) If an employee fails to fulfill his agreement to pay to the Government the total amount of educational assistance provided to the person under the program, a sum equal to the amount of the educational assistance is recoverable by the Government from the employee or his estate by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

"(B) such other method as is provided by law for the recovery of amounts owing to the Government.

"(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"§ 1745. Additional education and training programs available to acquisition personnel

"(a) TUITION REIMBURSEMENT AND TRAINING.—The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) under section 4107(d) of title 5 for acquisition personnel in the Department of Defense for the purposes described in that section. For purposes of such section 4107(d), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

"(b) REPAYMENT OF STUDENT LOANS.—The Secretary of Defense may repay all or part of a student loan under section 5379 of title 5 for an employee of the Department of Defense appointed to an acquisition position.

"§ 1746. Defense acquisition university structure

"(a) DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish and maintain a defense acquisition university structure to provide for—

"(A) the professional educational development and training of the acquisition workforce; and

"(B) research and analysis of defense acquisition policy issues from an academic perspective.

"(b) CIVILIAN FACULTY MEMBERS.—(1) The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers in the defense acquisition university structure as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) In this subsection, the term 'defense acquisition university' includes the Defense Systems Management College.

"SUBCHAPTER V—GENERAL MANAGEMENT PROVISIONS

"Sec.

"1761. Management information system.
"1762. Report to Secretary of Defense.
"1763. Reassignment of authority.
"1764. Authority to establish different minimum experience requirements.

"§ 1761. Management information system

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations to ensure that the military departments and Defense Agencies establish a management information system capable of providing standardized information to the Secretary on persons serving in acquisition positions. Regulations.

"(b) MINIMUM INFORMATION.—The management information system shall, at a minimum, provide for—

Records.

"(1) the collection and retention of information concerning the qualifications, assignments, and tenure of persons in the acquisition workforce;

"(2) any exceptions and waivers granted with respect to the application of qualification, assignment, and tenure policies, procedures, and practices to such persons;

"(3) relative promotion rates for military personnel in the acquisition workforce; and

"(4) collection of the information necessary for the Under Secretary of Defense for Acquisition and the Secretary of Defense to comply with the requirements of section 1762 for the years in which that section is in effect.

"§ 1762. Report to Secretary of Defense

"(a) REPORT OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION.—Each year the Under Secretary of Defense for Acquisition shall transmit to the Secretary of Defense a report on the status of the defense acquisition workforce. Each annual report shall include, for each military department and Defense Agency and the Office of the Secretary of Defense, information on each category of information referred to in subsection (c).

"(b) INCLUSION OF INFORMATION IN ANNUAL REPORT.—The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 115(c) of this title the information in the report transmitted to the Secretary under subsection (a).

"(c) INFORMATION.—The following information shall be included in the report transmitted to the Secretary under subsection (a) for the period covered by the report (which shall be shown for the Department of Defense as a whole and, with respect to paragraphs (1) through (12), separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):

"(1) The number of acquisition positions specified under the policy established under section 1722(b)(2) of this title as being available, as of December 1 of the period covered by the report, only to members of the armed forces, set forth separately under [illegible] criterion established in the policy, together with a discus[illegible] the types of positions that are so specified.

[illegible] the total number of persons serving in the Acquisition [illegible] as of December 1 of the period covered by the report, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.

"(3) The total number of critical acquisition positions held as of December 1 of the period covered by the report, set forth separately for members of the armed forces and civilian employees, by grade level and by other appropriate categories (including by program manager, deputy program manager, and division head positions). For each such category, the report shall specify the number of civilians holding such positions compared to the total number of positions filled.

"(4)(A) The promotion rate for officers in an acquisition corps considered for promotion from within the promotion zone, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade, shown for all officers of the same armed force and for all line (or the equivalent) officers of the same armed force.

The promotion rate for officers in an acquisition corps
ered for promotion from below the promotion zone, com-
in the same manner as specified in subparagraph (A).

If the promotion rates fail to meet the objective of section
) of this title, the Secretary of Defense shall notify Con-
of such failures and of what actions the Secretary has
or plans to take in reaction to such failures.

The number of employees who met the requirement of
1724(a)(3) or section 1724(b) of this title by passing an
as described in section 1724(a)(3)(C), set forth separately
tracting officers and persons in the GS-1102 occupational

The number of employees to whom the requirements of
tions (b)(2)(A) and (b)(2)(B) of section 1732 of this title did
ply because of the exceptions provided in paragraphs (1)
of section 1732(c) of this title, set forth separately by type
ption.

The number of employees certified by an acquisition
program board under section 1732(b)(2)(A)(ii) of this title.

The number of program managers and deputy program
ers who were reassigned after completion of a major
ne occurring closest in time to the date on which the
has served in the position for four years (as required
section 1734(b) of this title), and the proportion of those
nments to the total number of reassignments of program
ers and deputy program managers, set forth separately
gram managers and deputy program managers. The
ry also shall include the average length of assignment
by program managers and deputy program managers so
ned.

The number of persons, excluding those reported under
aph (8), in critical acquisition positions who were re-
d after a period of three years or longer (as required
section 1734(a) of this title), and the proportion of those
nments to the total number of reassignments of persons,
ng those reported under paragraph (8), in critical acquisi-
sitions.

The number of times a waiver authority was exercised
section 1724(d), 1732(d), 1734(d), or 1736(c) of this title or
er provision of this chapter (or other provision of law)
permits the waiver of any requirement relating to the
tion workforce, and in the case of each such authority,
sons for exercising the authority. The Secretary may
the information provided under this paragraph by cat-
r grouping of types of waivers and reasons.

The number of persons reviewed for reassignment
t to section 1734(e)(2) of this title and the number of
reassigned as a result of such reviews, together with a
on of the criteria used to determine reassignments.

The number of persons participating in each of the
ns described in sections 1742 through 1745 of this title, as
mber 1 of the period covered by the report.

The number of persons paid a bonus under section 317 of
and the number of years of service agreed to, for each
nus, by category.

Such other information and comparative data as the
ry of Defense considers appropriate to demonstrate the

performance of the Department of Defense and the performan of each military department in carrying out this chapter.

"(d) EFFECTIVE DATE.—The requirements of this section shal apply to the years 1991 through 1998.

"§ 1763. Reassignment of authority

"On and after October 1, 1993, the Secretary of Defense ma assign the responsibilities under this chapter of the Under Secretar of Defense for Acquisition to any other civilian official in the Offic of the Secretary of Defense who is appointed by the President by an with the advice and consent of the Senate. If the Secretary takes action under the preceding sentence, he may authorize the secreta ies of the military departments to assign the responsibilities of senior acquisition executive under this chapter to any other civilia official in the military department who is appointed by the Pres dent by and with the advice and consent of the Senate.

"§ 1764. Authority to establish different minimum experienc requirements

"(a) AUTHORITY.—During the six-year period beginning on Octo ber 1, 1992, and ending on September 30, 1998, the Secretary Defense may prescribe a different minimum number of years experience to be required for eligibility for appointment to a acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter Any requirement prescribed under this section for a position re ferred to in any paragraph of subsection (b) shall be applied un formly to all positions referred to in such paragraph.

"(b) APPLICABILITY.—This section applies to the following acquisi tion positions in the Department of Defense:

"(1) Contracting officer.

"(2) Program executive officer.

"(3) Senior contracting official.

"(c) OPM APPROVAL.—The Secretary of Defense shall submit any requirement with respect to civilian employees that is prescribed under this section to the Director of the Office of Personnel Manage ment for approval if the Director does not disapprove the require ment within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

"(d) REPORT.—The Secretary of Defense shall notify Congress of each requirement prescribed under subsection (a) together with his reasons for prescribing such requirement.".

(b) CLERICAL AMENDMENT.—The tables of chapters at the begin ning of subtitle A of title 10, United States Code, and at the beginning of part II of such subtitle are each amended by striking out the item relating to chapter 85 and inserting in lieu thereof the following:

"87. Defense Acquisition Workforce..1701".

SEC. 1203. SPECIAL PAY FOR CERTAIN OFFICERS HOLDING CRITICAL AC QUISITION POSITIONS.

(a) AUTHORITY FOR SPECIAL PAY.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 317. Special pay: officers in critical acquisition positions extending period of active duty

"(a) Bonus Authorized.—An officer described in subsection (b) who executes a written agreement to remain on active duty in a critical acquisition position for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) Covered Officers.—An officer referred to in subsection (a) is an officer of the Army, Navy, Air Force, or Marine Corps who—

"(1) is a member of an Acquisition Corps selected to serve in, or serving in, a critical acquisition position designated under section 1733 of title 10; and

"(2) is eligible to retire, or is assigned to such position for a period that will extend beyond the date on which the officer will be eligible to retire, under any provision of law.

"(c) Amount of Bonus.—The amount of a bonus paid under this ection for each year a member agrees to remain on active duty may ot be more than 15 percent of the annual rate of basic pay paid to he member at the time the member executes a written agreement nder this section.

"(d) Payment of Bonus.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total mount payable pursuant to the agreement becomes fixed and may e paid by the Secretary in either a lump sum or installments.

"(e) Additional Pay.—A bonus paid under this section is in ddition to other pay and allowances to which an officer is entitled.

"(f) Repayment of Bonus.—(1) If an officer who has entered into a ritten agreement under subsection (a) and who has received all or art of a bonus under this section fails to complete the total period active duty specified in the agreement, the Secretary concerned ay require the officer to repay the United States, on a pro rata sis and to the extent that the Secretary determines conditions and rcumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under ragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less an 5 years after the termination of a written agreement entered to under subsection (a) does not discharge the officer signing the reement from a debt arising under such agreement or under ragraph (1). This paragraph applies to any case commenced under le 11 after January 1, 1991.

"(g) Period of Commitment.—The period of active duty agreed on by an officer in a written agreement under this section is in dition to any other service commitment of the officer, except that y period of active duty agreed upon in a written agreement under bsection (a)(2) or (b)(2) of section 1734 of title 10 by the officer may counted concurrently with the commitment under this section.

"(h) Regulations.—The Secretaries concerned shall prescribe gulations to carry out this section. Regulations prescribed by the cretary of a military department shall be subject to the approval the Secretary of Defense.".

2) The table of sections at the beginning of such chapter is ended by adding at the end the following new item:

7 Special pay: officers in critical acquisition positions extending period of active duty.".

37 USC 317 note.

(b) EFFECTIVE DATE.—Section 317 of title 37, United States Cod as added by subsection (a), shall take effect as of October 1, 199

SEC. 1204. DEFINITION OF SERVICE ACQUISITION EXECUTIVE

Section 101 of title 10, United States Code, is amended by addin at the end the following:

"(46) The term 'service acquisition executive' means the c vilian official within a military department who is designated a the service acquisition executive for purposes of regulations an procedures providing for a service acquisition executive for tha military department.".

10 USC 1746 note.

SEC. 1205. DEFENSE ACQUISITION UNIVERSITY STRUCTURE

Regulations.

(a) ESTABLISHMENT OF STRUCTURE.—Not later than October 1991, the Secretary of Defense, acting through the Under Secretar of Defense for Acquisition, shall prescribe regulations for the initia structure for a defense acquisition university under section 1746 o title 10, United States Code (as added by section 1202). The regulations shall include the following:

(1) Operation under a charter developed by the Secretary o Defense.

(2) Establishment of a university mission to achieve objectives formulated by the Secretary of Defense. Such objectives shal include—

(A) the achievement of more efficient and effective use o available acquisition resources by coordinating Departmen of Defense acquisition education and training programs and tailoring them to support the careers of personnel in a quisition positions; and

(B) the development of education, training, research, and publication capabilities in the area of acquisition.

(3) Establishment of appropriate lines of authority (including relationships between the university and each of the existing acquisition education and training institutions and activities and accountability for the accomplishment of the universit mission (as established by the Secretary).

(4) A coherent framework for the educational development o personnel in acquisition positions. Such framework shall cover courses of instruction from the basic level through intermediat and senior levels. At the senior level, the framework shal provide for a senior course as a substitute for, and equivalent to existing senior professional military educational school courses specifically designed for personnel serving in critical acquisitio positions.

(5) Appropriate organizations, such as a policy guidance council, composed of senior Department of Defense officials, to recommend or establish policy, and a board of visitors, composed o persons selected for their preeminence in the fields of academia business, and the defense industry, to advise on organizatio management, curricula, methods of instruction, facilities, and other matters of interest to the university.

(6) An appropriate centralized mechanism, under the Under Secretary of Defense for Acquisition, to control the allocation o resources for purposes of conducting mandatory acquisitio courses and other training, education, and research activities to achieve the objectives of the university, such as funding for

students to attend courses of instruction, funding to conduct the courses, and funding to pay instructor salaries.

(b) IMPLEMENTATION.—Not later than October 1, 1991, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall prescribe and submit to the Committees on Armed Services of the Senate and House of Representatives an implementation plan, including a charter, for the defense acquisition university structure. Not later than August 1, 1992, the Secretary of Defense shall carry out the implementation plan.

SEC. 1206. ACQUISITION WORKFORCE ENHANCEMENTS

(a) DEGREE TRAINING.—Section 4107 of title 5, United States Code, is amended—

(1) in subsection (c), by striking "This" and inserting "Except as provided in subsection (d) of this section, this"; and

(2) by inserting after subsection (c) the following:

"(d)(1) The regulations prescribed under section 4118 of this title shall include provisions under which the head of an agency may provide training, or payment or reimbursement for the costs of any training, not otherwise allowable under subsection (c) of this section, if necessary to assist in the recruitment or retention of employees in occupations in which the Government has or anticipates a shortage of qualified personnel, especially in occupations involving critical skills (as defined under such regulations).

"(2) In exercising any authority under this subsection, an agency shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of this title, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

"(3) No authority under this subsection may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.".

(b) REPAYMENT OF STUDENT LOANS.—(1) Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

"§ 5379. Student loan repayments

"(a)(1) For the purpose of this section—

"(A) the term 'agency' means an agency under subparagraph (A), (B), (C), (D), or (E) of section 4101(1) of this title; and

"(B) the term 'student loan' means—

"(i) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965;

"(ii) a loan made under part E of title IV of the Higher Education Act of 1965; and

"(iii) a health education assistance loan made or insured under part C of title VII of Public Health Service Act or under part B of title VIII of such Act.

"(2) An employee shall be ineligible for benefits under this section f such employee occupies a position which—

"(A) is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(B) is not subject to subchapter III of this chapter.

"(b)(1) The head of an agency may, in order to recruit or ret highly qualified professional, technical, or administrative person establish a program under which the agency may agree to repay direct payments on behalf of the employee) any student loan viously taken out by such employee.

"(2) Payments under this section shall be made subject to s terms, limitations, or conditions as may be mutually agreed to the agency and employee concerned, except that the amount paid an agency under this section may not exceed—

"(A) $6,000 for any employee in any calendar year; or

"(B) a total of $40,000 in the case of any employee.

"(3) Nothing in this section shall be considered to authorize agency to pay any amount to reimburse an employee for repayments made by such employee prior to the agency's enter into an agreement under this section with such employee.

"(c)(1) An employee selected to receive benefits under this secti must agree in writing, before receiving any such benefit, that t employee will—

"(A) remain in the service of the agency for a period specif in the agreement (not less than 3 years), unless involuntar separated; and

"(B) if separated involuntarily on account of misconduct, voluntarily, before the end of the period specified in the agr ment, repay to the Government the amount of any benef received by such employee from that agency under this secti

"(2) The payment agreed to under paragraph (1)(B) of this sub tion may not be required of an employee who leaves the service such employee's agency voluntarily to enter into the service of a other agency unless the head of the agency that authorized t benefits notifies the employee before the effective date of su employee's entrance into the service of the other agency that pa ment will be required under this subsection.

"(3) If an employee who is involuntarily separated on account misconduct or who (excluding any employee relieved of liabili under paragraph (2) of this subsection) is voluntarily separat before completing the required period of service fails to repay th amount agreed to under paragraph (1)(B) of this subsection, a su equal to the amount outstanding is recoverable by the Governme from the employee (or such employee's estate, if applicable) by—

"(A) setoff against accrued pay, compensation, amount retirement credit, or other amount due the employee from th Government; and

"(B) such other method as is provided by law for the recover of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, right of recovery under this subsection if it is shown that recover would be against equity and good conscience or against the publi interest.

"(4) Any amount repaid by, or recovered from, an individual (or s estate) under this subsection shall be credited to the appropriatio account from which the amount involved was originally paid. An amount so credited shall be merged with other sums in such accoun and shall be available for the same purposes and period, and subjec to the same limitations (if any), as the sums with which merged

"(d) An employee receiving benefits under this section from a agency shall be ineligible for continued benefits under this sectio from such agency if the employee—

"(1) separates from such agency; or

"(2) does not maintain an acceptable level of performance, as determined under standards and procedures which the agency head shall by regulation prescribe.

Equal employment opportunity.

"(e) In selecting employees to receive benefits under this section, an agency shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of this title, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

"(f) Any benefit under this section shall be in addition to basic pay and any other form of compensation otherwise payable to the employee involved.

Regulations.

"(g) The Director of the Office of Personnel Management, after consultation with heads of a representative number and variety of agencies and any other consultation which the Director considers appropriate, shall prescribe regulations containing such standards and requirements as the Director considers necessary to provide for reasonable uniformity among programs under this section.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

5379 Student loan repayment.".

(c) Relocation Expenses.—Section 5724a(a)(2) of title 5, United States Code, is amended by striking out "continental" in the second sentence.

(d) Expenses Related to Death of Employees in Specified Circumstances.—Section 5742 of title 5, United States Code, is amended—

(1) in subsection (b), by inserting "continental" after "outside the" each place it appears in paragraphs (1) and (2); and

(2) by adding at the end the following new subsection:

"(e) Employees covered by this section include an employee who has been reassigned away from the employee's home of record pursuant to a mandatory mobility agreement executed as a condition of employment.".

(e) Optional Exclusion of Performance Ratings for Certain Temporary Employees.—Section 4301(2) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out "and" at the end of subparagraph (G) and inserting in lieu thereof "or"; and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) an individual who (i) is serving in a position under a temporary appointment for less than one year, (ii) agrees to serve without a performance evaluation, and (iii) will not be considered for a reappointment or for an increase in pay based in whole or in part on performance; and ".

5 USC 3326 note.

(f) Suspension of Restrictions on Appointment of Retired Members of the Armed Forces to Positions in the Department of Defense.—Section 3326 of title 5, United States Code, shall not be in effect for the period beginning on the date of the enactment of this Act and ending two years after such date.

(g) ADJUSTMENT OF AMOUNT PAYABLE ON THE BASIS OF DUTY AT REMOTE WORKSITE.—Section 5942 of title 5, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(B) by adding at the end the following new subsection:

"(b) Under procedures prescribed by the President, the maximum allowance specified in subsection (a) may be adjusted from time to time in the interest of recruiting and retaining employees for performance of duty at remote worksites.".

(h) SEPARATE MAINTENANCE ALLOWANCE FOR EMPLOYEES IN PANAMA.—Section 5924(3) of title 5, United States Code, is amended by adding at the end the following: "Notwithstanding section 1217(d) of the Panama Canal Act of 1979 (22 U.S.C. 3657(d)), for the purposes of this paragraph, the term 'foreign area' includes the Republic of Panama.".

(i) CRITICAL-POSITION PAY AUTHORITY.—

(1) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, as amended by subsection (b), is further amended by adding at the end the following new section:

"§ 5380. Pay authority for critical positions

"(a) For the purpose of this section—

"(1) the term 'agency' has the meaning given it by section 5102; and

"(2) the term 'position' means—

"(A) a position to which chapter 51 applies, including a position in the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;

"(B) a position under the Executive Schedule under sections 5312-5317 of this title;

"(C) a position to which section 5372 of this title applies (or would apply, but for this section); and

"(D) a position to which section 5372a of this title applies (or would apply, but for this section).

"(b) Authority under this section—

"(1) may be granted or exercised only with respect to a position—

"(A) which requires expertise of an extremely high level in a scientific, technical, professional, or administrative field; and

"(B) which is critical to the agency's successful accomplishment of an important mission; and

"(2) may be granted or exercised only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(c) The Office of Personnel Management may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section.

"(d)(1) The rate of basic pay fixed under this section by an agency head may not be less than the rate of basic pay (including any comparability payments) which would then otherwise be payable for the position involved if this section had never been enacted.

"(2) Basic pay may not be fixed under this section at a rate greater than the rate payable for level I of the Executive Schedule, except upon written approval of the President.

The authority to fix the rate of basic pay under this section position shall terminate—

"(1) whenever the Office determines (in accordance with such rocedures and subject to such terms or conditions as the Office y regulation prescribes) that 1 or more of the requirements of ibsection (b) are no longer met; or

"(2) as of such date as the Office may otherwise specify, except iat termination under this paragraph may not take effect efore the authority has been available for such position for at ast 1 calendar year.

The Office may not authorize the exercise of authority under ction with respect to more than 800 positions at any time, of not more than 30 may, at any such time, be positions the rate ic pay for which would otherwise be determined under sub-r II.

The Office shall consult with the Office of Management and t before prescribing regulations under this section or making cision to grant or terminate any authority under this section.

The Office of Personnel Management shall report to the ittee on Post Office and Civil Service of the House of Rep-atives and the Committee on Governmental Affairs of the each year, in writing, on the operation of this section. Each under this subsection shall include— Reports.

"(1) the number of positions, in the aggregate and by agency, which higher rates of pay were authorized or paid under this tion during any part of the period covered by such report; d

"(2) the name of each employee to whom a higher rate of pay s paid under this section during any portion of the period ered by such report, the rate or rates paid under this section ring such period, the dates between which each such higher e was paid, and the rate or rates that would have been paid for this section.".

2) TABLE OF SECTIONS.—The table of sections for chapter 53 of e 5, United States Code, is amended by adding at the end the owing new item:

y authority for critical positions.".

3) TERMINATION.—(A) Unless section 5380 of title 5, United tes Code, as added by paragraph (1), does not take effect as vided in subparagraph (B), such section shall cease to be in ct on the earlier of October 1, 1992, or the date of the ctment of the Federal Employees Pay Comparability Act of). 5 USC 5380 note.

3) Section 5380 of title 5, United States Code, as added by agraph (1), shall not take effect if the Federal Employees Comparability Act of 1990 is enacted before the date of the ctment of this Act.

MPLOYMENT OF RETIREES.—

AMENDMENT TO 5 U.S.C. 5532.—Section 5532 of title 5, ted States Code, is amended by adding at the end the wing new subsection:

The Director of the Office of Personnel Management may, quest of the head of an Executive agency—

A) waive the application of the preceding provisions of this on on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

Regulations.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).".

(2) AMENDMENT TO 5 U.S.C. 8344.—Section 8344 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

Regulations.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).

"(3) An employee to whom a waiver under subparagraph (A) or (B) of paragraph (1) applies shall not be deemed an employee for the purposes of this chapter or chapter 84 while such waiver is in effect.".

(3) AMENDMENT TO 5 U.S.C. 8468.—Section 8468 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

Regulations.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).

"(3) An employee to whom a waiver under subparagraph (A) or (B) of paragraph (1) applies shall not be deemed an employee for the purposes of chapter 83 or this chapter while such waiver is in effect.".

(4) TERMINATION.—(A) Unless sections 5532(g), 8344(i), and 8468(f) of title 5, United States Code, as added by this subsection, do not take effect as provided in subparagraph (B), such sections shall cease to be in effect on the earlier of October 1, 1992, or the date of the enactment of the Federal Employees Pay Comparability Act of 1990. 5 USC 5532 note.

(B) Sections 5532(g), 8344(i), and 8468(f) of title 5, United States Code, as added by this subsection, shall not take effect if the Federal Employees Pay Comparability Act of 1990 is enacted before the date of the enactment of this Act.

SEC. 1207. REPEAL OF CERTAIN PROVISIONS

(a) ASSIGNMENT OF CONTRACTING OFFICERS.—Section 925 of the Department of Defense Authorization Act, 1986 (10 U.S.C. 2304 note) is hereby repealed.

(b) TOUR OF DUTY OF PROGRAM MANAGERS.—Subsection (c) of section 2435 of title 10, United States Code, is repealed, effective on October 1, 1991.

(c) CONFORMING CHAPTER 85 REPEALS.—(1) Section 1622 of title 10, United States Code (relating to program managers) is repealed effective October 1, 1991.

(2) For purposes of section 1623(b) of such title, beginning on October 1, 1991, and ending on September 30, 1992, general and flag officers must meet the education and experience requirements for program managers prescribed under section 1622(b) of such title as such requirements were in effect on October 1, 1990. 10 USC 1623 note.

(3) Section 1623 of such title is repealed effective October 1, 1992.

(4) Sections 1621 and 1624 of such title are repealed effective October 1, 1993.

SEC. 1208. EVALUATION BY COMPTROLLER GENERAL

10 USC 1701 note.

(a) EVALUATION.—The Comptroller General shall conduct an independent evaluation of the actions taken by the Secretary of Defense to carry out the requirements of this title and the amendments made by this title. Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation required by this subsection. Such report shall include— Reports.

(1) an analysis of the effectiveness of the actions taken by the Secretary to carry out the requirements of this Act and the amendments made by this title; and

(2) such legislative and administrative recommendations as the Comptroller General considers appropriate to meet the objectives of this title and the amendments made by this title.

(b) ANNUAL REPORTS.—(1) For each of the years 1991 through 1998, the Comptroller General shall review the waiver documents submitted to the Director of Acquisition Education, Training, and Career Development under sections 1724(d), 1732(d), and 1734(d) of this title. In conducting the review, the Comptroller General shall determine whether waivers were granted in compliance with this chapter.

(2) The Comptroller General shall submit to Congress a report on the results of each review conducted pursuant to paragraph (1). The report shall include a general discussion of the use of the waiver authority provided under this chapter and an identification of any

instances in which a waiver was not properly granted under this chapter.

(3) Each report required by paragraph (2) shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1 of the year following a year for which a review is conducted pursuant to paragraph (1).

SEC. 1209. TRANSITION PROVISIONS.

10 USC 1705 note.

(a) LEVEL OF DIRECTOR OF ACQUISITION CAREER MANAGEMENT.—Effective during the three-year period beginning on the date of the enactment of this Act, the position of Director of Acquisition Career Management (as established by section 1705 of title 10, United States Code, as added by section 1202), may be held only by—

(1) a civilian employee in a position in the Civil Service the rate of pay for which is equal to or greater than the rate of basic pay payable for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code; or

(2) a commissioned officer serving in the grade of major general or rear admiral or a higher grade.

10 USC 1721 note.

(b) DEADLINE FOR DESIGNATION OF ACQUISITION POSITIONS.—The designation of acquisition positions required by section 1721 of title 10, United States Code (as added by section 1202) shall be made by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, not later than October 1, 1991.

10 USC 1722 note.

(c) MILITARY POSITIONS POLICY DEADLINES.—(1) The policy required by paragraph (2) of section 1722(b) of title 10, United States Code (as added by section 1202), shall be established by the Secretary of Defense not later than October 1, 1991.

Reports.

(2) The first report required by section 1722(b)(2)(B) of title 10, United States Code (as added by section 1202), shall be submitted to the Secretary of Defense not later than September 30, 1993.

10 USC 1722 note.

(d) ASSIGNMENTS POLICY DEADLINE.—Not later than October 1, 1991, the Secretary of Defense shall establish, and require commencement of implementation of, an assignments policy pursuant to section 1722(f) of title 10, United States Code (as added by section 1202).

Regulations.
10 USC 1734 note.

(e) JOB REFERRAL SYSTEM DEADLINE.—Not later than October 1, 1991, the Secretary of Defense shall prescribe regulations required under section 1734(f) of title 10, United States Code (as added by section 1202).

10 USC 1733 note.

(f) EFFECTIVE DATE FOR REQUIREMENT FOR CORPS MEMBERS TO FILL CRITICAL ACQUISITION POSITIONS.—Notwithstanding section 1733(a) of title 10, United States Code (as added by section 1202), the Secretaries of the military departments shall make every effort to fill critical acquisition positions by Acquisition Corps members as soon as possible after the date of the enactment of this Act. For each of the first three years after the date of the enactment of this Act the report of the Under Secretary of Defense for Acquisition to the Secretary of Defense under section 1762 of such title shall include the number of critical acquisition positions filled by Acquisition Corps members.

10 USC 1733 note.

(g) PUBLICATION OF LIST OF CRITICAL ACQUISITION POSITIONS.—The Secretary of Defense shall publish the first list of positions designated as critical acquisition positions under section 1733(b)(2) of title 10, United States Code (as added by section 1202), not later than October 1, 1992.

(h) EFFECTIVE DATE AND CONFORMING AMENDMENT FOR CIVILIAN FACULTY AUTHORITY FOR DSMC.—(1) Subsection (b) of section 1746 of title 10, United States Code (as added by section 1202), shall take effect with respect to the Defense Systems Management College on the date of the enactment of this Act. 10 USC 1746 note.

(2) Section 5102(c)(10) of title 5, United States Code, is amended—

(A) by striking out "and" before "the Academic Dean"; and

(B) by adding after the last semicolon the following: "civilian professors, instructors, and lecturers in the defense acquisition university structure (including the Defense Systems Management College) whose pay is fixed under section 1746(b) of title 10;".

(i) CREDIT FOR EXPERIENCE IN CERTAIN POSITIONS.—For purposes of meeting any requirement under chapter 87 of title 10, United States Code (as added by section 1202), for a period of experience (such as requirements for experience in acquisition positions or in critical acquisition positions) and for purposes of coverage under the exceptions established by section 1724(c)(1) and section 1732(c)(1) of such title any period of time spent serving in a position later designated as an acquisition position or a critical acquisition position under such chapter may be counted as experience in such a position for such purposes. 10 USC 1724 note.

(j) TRANSITION PROVISION FOR REPORT REQUIREMENT.—Each of the first three annual reports under section 1762(a) of title 10, United States Code (as added by section 1202), shall include as much information as is available with respect to requirements imposed under, or prescribed pursuant to, chapter 87 of title 10, United States Code (as added by such section), that have not taken effect as of the date of the report. 10 USC 1762 note.

(k) ESTABLISHMENT OF MANAGEMENT INFORMATION SYSTEM.—(1) Not later than October 1, 1991, the Secretary of Defense shall prescribe in regulations the requirements under section 1761 of title 10, United States Code (as added by section 1202), including data elements, for the uniform management information system. 10 USC 1761 note.

(2) The Secretary of Defense shall ensure that the requirements prescribed pursuant to paragraph (1) are implemented not later than October 1, 1992.

SEC. 1210. REGULATIONS

10 USC 1701 note.

(a) IN GENERAL.—Unless otherwise provided in this title and in subsection (b), the Secretary of Defense shall promulgate regulations to implement this title and the amendments made by this title not later than one year after the date of the enactment of this Act.

(b) DEADLINES FOR QUALIFICATION REQUIREMENTS.—Not later than October 1, 1992, the Secretary of Defense shall prescribe regulations to implement sections 1723, 1724, and 1732 of title 10, United States Code (as added by section 1202).

SEC. 1211. EFFECTIVE DATE

10 USC 1701 note.

Except as otherwise provided in this title, this title and the amendments made by this title, including chapter 87 of title 10, United States Code (as added by section 1202), shall take effect on the date of the enactment of this Act.

TITLE XIII—REDUCTION IN REPORTING REQUIREMENTS

PART A—REPEAL OF EXISTING REPORT REQUIREMENTS

SEC. 1301. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE

Title 10, United States Code, is amended as follows:

(1) Section 117 is repealed.

(2) Section 118 is repealed.

(3) Section 125 is amended by striking out the second sentenc of subsection (c).

(4) Section 836(b) is amended by striking out "and shall b reported to Congress".

(5) Section 1051 is amended—

(A) by striking out subsections (e) and (f); and

(B) by redesignating subsection (g) as subsection (e).

(6) Section 2208 is amended by striking out subsection (k

(7) Section 2215 is repealed.

(8) Section 2216 is repealed.

(9) Section 2313 is amended by striking out the last sentenc of subsection (c).

(10) Section 2324(e)(2) is amended—

(A) in subparagraph (A), by striking out "(A)"; and

(B) by striking out subparagraphs (B) and (C).

(11) Sections 2349 and 2357 are repealed.

(12) Section 2394(b) is amended by striking out "only—" and all that follows through the period and inserting in lieu thereof "only after the approval of the proposed contract by the Sec- retary of Defense.".

(13) Section 2431 is amended—

(A) by striking out subsection (b);

(B) by striking out "or (b)" in subsection (c); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(14) Section 2463 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(15) Section 2779(b) is amended by striking out paragraph (4

(16) Section 2805(b) is amended by striking out paragraph (3)

(17) Paragraph (4) of section 2822(b) is amended to read as follows:

"(4) Housing units acquired without consideration.".

(18) Section 2834 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(19) Section 2856 is amended—

(A) in subsection (a), by striking out the subsection designation "(a)"; and

(B) by striking out subsection (b).

SEC. 1302. REPORTS AND NOTIFICATIONS REQUIRED BY ANNUAL AUTHORIZATION ACTS

10 USC 2242 note.

(a) PUBLIC LAW 101-189.—Section 852 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1517) is amended by striking out subsection (b

(b) PUBLIC LAW 100-456.—Section 317 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat 1951), is amended by striking out subsection (c).

(c) Public Law 100-180.—Section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (as amended by section 1202 of Public Law 100-456) is amended by striking out subsection (e).

102 Stat. 2050.

(d) Public Law 99-661.—Section 1207(g)(4) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) Public Law 99-145.—Section 106(a)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 596) is amended by striking out "may be obligated—" and all that follows down through "(B) for acquisitions" and inserting in lieu thereof "may be obligated for acquisitions".

(f) Public Law 98-115.—Section 803(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) by striking out "in any year" and all that follows through "the Secretary determines" and inserting in lieu thereof "in any year if the Secretary determines";

(2) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (2).

SEC. 1303. REPORTS REQUIRED BY OTHER LAWS

(a) Defense Industrial Reserve Act.—Section 5 of the Defense Industrial Reserve Act (50 U.S.C. 454) is repealed.

(b) Foreign Assistance Act of 1961.—Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h) is amended by striking out subsection (e).

(c) Military Selective Service Act.—Section 18 of the Military Selective Service Act (50 U.S.C. App. 468) is amended in subsection (h)—

(1) by striking out "(1)" after "(h)"; and

(2) by striking out paragraph (2).

Part B—Modifications to Existing Report Requirements

SEC. 1311. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE

Title 10, United States Code, is amended as follows:

(1) Section 128(d) is amended by striking out "on a quarterly basis" and inserting in lieu thereof "on an annual basis".

(2) Section 402(d) is amended—

(A) by striking out "At the end of each six-month period" and inserting in lieu thereof "Not later than July 31 each year"; and

(B) by striking out "such six-month period" and inserting in lieu thereof "the 12-month period ending on the preceding June 30".

(3) Section 662(b) is amended by striking out "the Secretary shall immediately notify Congress of such failure and of" in the second sentence and inserting in lieu thereof "the Secretary shall include in the periodic report required by this subsection information on such failure and on".

(4) Section 2361(c) is amended—

(A) by striking out "a semiannual report" in paragraph (1) and inserting in lieu thereof "an annual report"; and

(B) by striking out "the six-month periods" in paragraph (2) and all that follows in that paragraph and inserting in lieu thereof "the preceding calendar year and shall be submitted not later than February 1 of the year after the year covered by the report.".

(5) Section 2457(d) is amended by striking out "Before February 1 of each year," and inserting in lieu thereof "Before February 1, 1989, and biennially thereafter,".

(6) Section 2662(b) is amended by striking out "$5,000" and inserting in lieu thereof "the small purchase threshold under section 2304(g) of this title".

(7) Section 7434 is amended to read as follows:

"§ 7434. Annual report to Armed Services Committees

"The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on the production from the naval petroleum reserves during the preceding calendar year. Each such report shall be submitted within 30 days after the end of a fiscal year.".

SEC. 1312. REPORTS REQUIRED BY ANNUAL AUTHORIZATION ACTS

(a) Public Law 101-189.—Section 121(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1379) is amended—

(1) by striking out "Bimonthly" in the subsection heading and inserting in lieu thereof "Quarterly";

(2) by striking out "a report every two months" in paragraph (1) and inserting in lieu thereof "at the end of each fiscal-year quarter a report"; and

(3) by striking out the first sentence of paragraph (3).

(b) Public Law 99-661.—Section 1207(g) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 2301 note) is amended by transferring subparagraph (C) of paragraph (3) to the end of paragraph (4) (as amended by section 1302(d)).

(c) Public Law 98-525.—The Department of Defense Authorization Act, 1985 (Public Law 98-525), is amended—

22 USC 1928 note

(1) in section 1002(d)(1), by striking out "April 1, 1985, and each year thereafter," and inserting in lieu thereof "April 1, 1990, and biennially thereafter,";

(2) by adding at the end of section 1002(d)(2)(B) the following new clause:

"(xi) Other selected indicators of NATO capability."; and

22 USC 1928 note.

(3) in section 1003(c), by striking out "March 1" and inserting in lieu thereof "April 1".

SEC. 1313. REPORTS REQUIRED BY OTHER LAWS

The first section of Public Law 85-804 (50 U.S.C. 1431) is amended by striking out "and 60 days of continuous session" and all that follows in the third sentence and inserting in lieu thereof a period.

PART C—REPORT PROVISIONS PREVIOUSLY TERMINATED BY GOLDWATER-NICHOLS ACT

10 USC 111 note

SEC. 1321. PURPOSE

(a) Purpose of Part.—This part, with respect to Goldwater-Nichols terminations described in subsection (b)—

(1) in section 1322, repeals certain provisions of law containing terminated report requirements; and

(2) in section 1323, restores the effectiveness of selected other provisions of law containing such requirements.

(b) DESCRIPTION OF GOLDWATER-NICHOLS TERMINATIONS.—For purposes of subsection (a), Goldwater-Nichols terminations are those provisions of law that—

(1) set forth requirements for reports to Congress; and

(2) by reason of section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note), are no longer effective.

SEC. 1322. REPEAL OF STATUTORY PROVISIONS TERMINATED BY GOLDWATER-NICHOLS ACT

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 113 is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j) through (l) as (i) through (k), respectively.

(2) Section 2006(e)(3) is amended by striking out "and report periodically" through "of the Fund and shall recommend" and inserting in lieu thereof "and shall recommend to the President and Congress".

(3) Section 2113(j) is amended—

(A) by striking out "subject to paragraph (2)," in subparagraphs (B), (C), and (E) of paragraph (1);

(B) by striking out paragraph (2); and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(4) Section 2307 is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(5) Section 2359 is repealed.

(6) Section 2388 is amended by striking out subsection (d).

(7) Section 2394a(b) is amended—

(A) by striking out "(1)" after "(b)"; and

(B) by striking out paragraph (2).

(8) Section 2404 is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(9) Section 2455 is repealed.

(10) Section 2547 is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(11) Section 2675 is amended—

(A) by striking out "(a)" at the beginning of the text of such section; and

(B) by striking out subsection (b).

(12) Section 2721 is amended—

(A) by striking out "(a)"; and

(B) by striking out subsection (b).

(13) Section 4314 is amended by striking out the last sentence.

(14) Section 6956 is amended—

(A) by striking out subsection (a); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(15) Section 7217 is repealed.

(b) TITLE 32, UNITED STATES CODE.—Section 314 of title 32, United States Code, is amended by striking out the last sentence of subsection (d).

(c) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Sections 301a and 301c are amended by striking out subsection (e).

(2) Section 303a(c) is amended by striking out the last sentence.

(3) Section 306 is amended by striking out subsection (f

(4) Section 308b is amended—

(A) by striking out subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(5) Section 308c is amended—

(A) by striking out subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(6) Section 310 is amended by striking out subsection (d

(7) Section 312b is amended—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(8) Section 312c is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(d) PUBLIC LAW 99-145.—The Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 583 et seq.), is amended as follows:

(1) Section 913 (10 U.S.C. 2301 note) is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) Section 915 (10 U.S.C. 2431 note) is repealed.

(e) PUBLIC LAW 98-94.—Section 1260 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 703), is amended by striking out the second sentence of subsection (b).

(f) PUBLIC LAW 96-418.—Section 802 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 10 U.S.C. 2431 note), is amended by striking out subsection (e).

(g) PUBLIC LAW 94-106.—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 7291 note), is repealed.

10 USC 111 note

SEC. 1323. RESTORATION OF CERTAIN REPORTING REQUIREMENTS OF TITLE 10, UNITED STATES CODE, TERMINATED BY GOLDWATER-NICHOLS ACT

(a) RESTORAL.—The effectiveness of the report and notification provisions named in subsection (b), previously terminated by section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note), is hereby restored.

(b) COVERED PROVISIONS.—Subsection (a) applies to the following report and notification provisions set forth in title 10, United States Code:

(1) The quarterly report required by section 127(c) of that title relating to emergency and extraordinary expenses.

(2) The notifications required by section 2672a(b) of that title relating to urgent acquisitions of interests in land.

(3) The notifications required by section 7308(c) of that title, relating to the transfer or gift of obsolete, condemned, or captured vessels.

(4) The notifications required by section 7309(b) of that title, relating to construction or repair of vessels in foreign shipyards.

. 1324. REPEAL OF GOLDWATER-NICHOLS REPORTS TERMINATION SECTION

ection 602(c) of the Goldwater-Nichols Department of Defense rganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note) is ealed.

PART D—CLERICAL AMENDMENTS

. 1331. CLERICAL AMENDMENTS

itle 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by striking out the items relating to sections 117 and 118.

(2) The table of sections at the beginning of chapter 131 is amended by striking out the items relating to sections 2215 and 2216.

(3) The table of sections at the beginning of subchapter I of chapter 138 is amended by striking out the item relating to section 2349.

(4) Section 2350a(g) is amended by striking out that portion of paragraph (4) preceding clause (A) and inserting in lieu thereof the following:

4) The Secretary of Defense shall submit to Congress each year, later than March 1, a report containing information on—".

(5) The table of sections at the beginning of chapter 139 is amended by striking out the items relating to sections 2357 and 2359.

(6) The table of sections at the beginning of chapter 145 is amended by striking out the item relating to section 2455.

(7) The table of sections at the beginning of chapter 161 is amended by striking out the item relating to section 2721 and inserting in lieu thereof the following:

. Basis.".

(8) The table of sections at the beginning of chapter 631 is amended by striking out the item relating to section 7217.

(9) The item relating to section 7434 in the table of sections at the beginning of chapter 641 is amended to read as follows:

. Annual report to Armed Services Committees.".

TITLE XIV—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

01. TRANSFER AUTHORITY

AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary e national interest, the Secretary may transfer amounts of rizations made available to the Department of Defense in this division between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1402. ANNUAL MULTIYEAR DEFENSE PLAN

(a) CLARIFICATION.—(1) Subsection (a) of section 114a of title 10, United States Code, is amended by striking out "the current" and inserting in lieu thereof "a".

(2) Such section is further amended—

(A) by striking out "five-year" each place it appears and inserting in lieu thereof "multiyear"; and

(B) by adding at the end of subsection (a) (as amended by subsection (a) of this section) the following new sentence: "Any such multiyear defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.".

(3)(A) The heading of such section is amended by striking out "Five-year" and inserting in lieu thereof "Multiyear".

(B) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended by striking out "Five-year" and inserting in lieu thereof "Multiyear".

10 USC 114a note.

(b) SUBMISSION TO CONGRESS OF MULTIYEAR DEFENSE PROGRAM AS REQUIRED BY LAW.—(1) If, as of the end of the 90-day period beginning on the date on which the President's budget for fiscal year 1992 is submitted to Congress, the Secretary of Defense has not submitted to Congress the fiscal year 1992 multiyear defense program, then during the 30-day period beginning on the last day of such 90-day period the Secretary may not obligate more than 10 percent of the fiscal year 1991 advance procurement funds that are available for obligation as of the end of that 90-day period. If, as of the end of such 30-day period, the Secretary of Defense has not submitted to Congress the fiscal year 1992 multiyear defense program, then the Secretary may not make any further obligation of fiscal year 1991 advance procurement funds until such program is submitted. If the Secretary submits the fiscal year 1992 multiyear defense program during the 30-day period described in the first sentence, the limitation on obligation of advance procurement funds prescribed in that

ntence shall cease to apply effective as of the date of the submis-
n of such program.
2) For purposes of this subsection:
(A) The term "fiscal year 1992 multiyear defense program" means the multiyear defense program (including associated annexes) covering fiscal years beginning with fiscal year 1992 required (by section 114a of title 10, United States Code) to be submitted to Congress in conjunction with the President's budget for fiscal year 1992.
(B) The term "fiscal year 1991 advance procurement funds" means funds appropriated for the Department of Defense for fiscal year 1991 that are available for advance procurement.

. 1403. MULTIYEAR NATIONAL FOREIGN INTELLIGENCE PROGRAM

50 USC 404b

) ANNUAL SUBMISSION OF MULTIYEAR NATIONAL FOREIGN INTEL-
NCE PROGRAM.—The Director of Central Intelligence shall
mit to the Committees on Armed Services and Appropriations of
Senate and the House of Representatives and the Select
mittee on Intelligence of the Senate and the Permanent Select
mittee on Intelligence of the House of Representatives each
a multiyear national foreign intelligence program plan reflect-
the estimated expenditures and proposed appropriations re-
ed to support that program. Any such multiyear national for-
intelligence program plan shall cover the fiscal year with
ect to which the budget is submitted and at least four succeed-
iscal years.

TIME OF SUBMISSION.—The Director shall submit the report Reports
ired by subsection (a) each year at or about the same time that
budget is submitted to Congress pursuant to section 1105(a) of
31, United States Code.

CONSISTENCY WITH BUDGET ESTIMATES.—The Director of
ral Intelligence and the Secretary of Defense shall ensure that
stimates referred to in subsection (a) are consistent with the
et estimates submitted to Congress pursuant to section 1105(a)
le 31, United States Code, for the fiscal year concerned and
the estimated expenditures and proposed appropriations for
ultiyear defense program submitted pursuant to section 114a
e 10, United States Code.

1404. MISSION ORIENTED PRESENTATION OF DEPARTMENT OF DEFENSE MATTERS IN THE BUDGET

10 USC 114a note.

IN GENERAL.—In addition to requirements in any other provi- President.
f law regarding the format for the presentation in the budget
itted to Congress each year by the President of programs of the
tment of Defense within major functional category 050 (Na-
Defense), the President shall submit with each such budget a
t that organizes programs within such functional category on
sis of major roles and missions of the Department of Defense.
EFFECTIVE DATE.—Subsection (a) shall take effect with respect
budget submitted for fiscal year 1993.

405. CONTROLS ON THE AVAILABILITY OF APPROPRIATION ACCOUNTS

PROCEDURES FOR CLOSING APPROPRIATION ACCOUNTS.—(1) Sub-
r IV of chapter 15 of title 31, United States Code (other than
1558), is amended to read as follows:

AE 2.110:
101-510

R E A D E X

An Act to Authorize Appropriations...Military
Activities...Armed Forces...1990
National Archives & Records Adm
US GOVERNMENT PUBLICATIONS (depository)

May 91-10681
3 of 4
p.1676-1771

"SUBCHAPTER IV—CLOSING ACCOUNTS

"§ 1551. Definitions and applications

"(a) In this subchapter—

"(1) An obligated balance of an appropriation account as of the end of a fiscal year is the amount of unliquidated obligations applicable to the appropriation less amounts collectible as repayments to the appropriation.

"(2) An unobligated balance is the difference between the obligated balance and the total unexpended balance.

"(3) A fixed appropriation account is an appropriation account available for obligation for a definite period.

"(b) The limitations on the availability for expenditure prescribed in this subchapter apply to all appropriations unless specifically otherwise authorized by a law that specifically—

"(1) identifies the appropriate account for which the availability for expenditure is to be extended;

Records. "(2) provides that such account shall be available for recording, adjusting, and liquidating obligations properly chargeable to that account; and

"(3) extends the availability for expenditure of the obligated balances.

"(c) This subchapter does not apply to—

"(1) appropriations for the District of Columbia government or

"(2) appropriations to be disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

"§ 1552. Procedure for appropriation accounts available for definite periods

"(a) On September 30th of the 5th fiscal year after the period of availability for obligation of a fixed appropriation account ends, the account shall be closed and any remaining balance (whether obligated or unobligated) in the account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose

"(b) Collections authorized or required to be credited to an appropriation account, but not received before closing of the account under subsection (a) or under section 1555 of this title shall be deposited in the Treasury as miscellaneous receipts.

"§ 1553. Availability of appropriation accounts to pay obligations

"(a) After the end of the period of availability for obligation of a fixed appropriation account and before the closing of that account under section 1552(a) of this title, the account shall retain its fiscal-year identity and remain available for recording, adjusting, and liquidating obligations properly chargeable to that account.

"(b)(1) Subject to the provisions of paragraph (2), after the closing of an account under section 1552(a) or 1555 of this title, obligations and adjustments to obligations that would have been properly chargeable to that account, both as to purpose and in amount, before closing and that are not otherwise chargeable to any current appropriation account of the agency may be charged to any current appropriation account of the agency available for the same purpose.

"(2) The total amount of charges to an account under paragraph (1) may not exceed an amount equal to 1 percent of the total appropriations for that account.

best copy available

pages tightly bound

“(c)(1) In the case of a fixed appropriation account with respect to which the period of availability for obligation has ended, if an obligation of funds from that account to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount of obligations from that appropriation during a fiscal year for contract changes for that program, project, or activity to exceed $4,000,000, the obligation may only be made if the obligation is approved by the head of the agency (or an officer of the agency within the Office of the head of the agency to whom the head of the agency has delegated the authority to approve such an obligation).

“(2) In the case of a fixed appropriation account with respect to which the period of availability for obligation has ended, if an obligation of funds from that account to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount obligated from that appropriation during a fiscal year for that program, project, or activity to exceed $25,000,000, the obligation may not be made until—

“(A) the head of the agency submits to the appropriate authorizing committees of Congress and the Committees on Appropriations of the Senate and the House of Representatives a notice in writing of the intent to obligate such funds, together with a description of the legal basis for the proposed obligation and the policy reasons for the proposed obligation; and

“(B) a period of 30 days has elapsed after the notice is submitted.

“(3) In this subsection, the term ‘contract change’ means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under an escalation clause.

“(d)(1) Obligations under this section may be paid without prior action of the Comptroller General.

“(2) This subchapter does not—

“(A) relieve the Comptroller General of the duty to make decisions requested under law; or

“(B) affect the authority of the Comptroller General to settle claims and accounts.

“§ 1554. Audit, control, and reporting

“(a) Any audit requirement, limitation on obligations, or reporting equirement that is applicable to an appropriation account shall emain applicable to that account after the end of the period of vailability for obligation of that account.

“(b)(1) After the close of each fiscal year, the head of each agency hall submit to the President and the Secretary of the Treasury a eport regarding the unliquidated obligations, unobligated balances, anceled balances, and adjustments made to appropriation accounts f that agency during the completed fiscal year. The report shall be ubmitted no later than 15 days after the date on which the President's budget for the next fiscal year is submitted to Congress under ection 1105 of this title.

“(2) Each report required by this subsection shall—

“(A) provide a description, with reference to the fiscal year of appropriations, of the amount in each account, its source, and an itemization of the appropriations accounts;

“(B) describe all current and expired appropriations accounts;

"(C) describe any payments made under section 1553 of this title;

"(D) describe any adjustment of obligations during that fiscal year pursuant to section 1553 of this title;

"(E) contain a certification by the head of the agency that the obligated balances in each appropriation account of the agency reflect proper existing obligations and that expenditures from the account since the preceding review were supported by a proper obligation of funds and otherwise were proper;

"(F) describe all balances canceled under sections 1552 and 1555 of this title.

"(3) The head of each Federal agency shall provide a copy of each such report to the Speaker of the House of Representatives and the Committee on Appropriations, the Committee on Governmental Affairs, and other appropriate oversight and authorizing committees of the Senate.

"(c)(1) The Director of the Congressional Budget Office shall estimate each year the effect on the Federal deficit of payments and adjustments made with respect to sections 1552 and 1553 of this title. Such estimate shall be made separately for accounts of each agency.

"(2) The Director shall include in the annual report of the Director to the Committees on the Budget of the Senate and House of Representatives under paragraph (1) of section 202(f) of the Congressional Budget Act of 1974 a statement of the estimates made pursuant to paragraph (1) of this subsection during the preceding year (including any revisions to estimates contained in earlier reports under such paragraph). The Director shall include in any report under paragraph (2) of that section any revisions to such estimates made since the most recent report under paragraph (1) of such section.

"(d) The head of each agency shall establish internal controls to assure that an adequate review of obligated balances is performed to support the certification required by section 1108(c) of this title.

"§ 1555. Closing of appropriation accounts available for indefinite periods

"An appropriation account available for obligation for an indefinite period shall be closed, and any remaining balance (whether obligated or unobligated) in that account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose, if—

"(1) the head of the agency concerned or the President determines that the purposes for which the appropriation was made have been carried out; and

"(2) no disbursement has been made against the appropriation for two consecutive fiscal years.

"§ 1556. Comptroller General: reports on appropriation accounts

"(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

"(1) the head of the agency concerned;

"(2) the Secretary of the Treasury; and

"(3) the President.

"(b) A report under this section shall include an appraisal of unpaid obligations under fixed appropriation accounts for which the period of availability for obligation has ended.

§1557. Authority for exemptions in appropriation laws

A provision of an appropriation law may exempt an appropriation rom the provisions of this subchapter and fix the period for which he appropriation remains available for expenditure.”.

(2) The table of sections at the beginning of chapter 15 of such title s amended by striking out the items relating to subchapter IV and ections 1551 through 1557 and inserting in lieu thereof the ollowing:

“SUBCHAPTER IV-CLOSING ACCOUNTS

1551. Definitions and application.
1552. Audit, control, and reporting.
1553. Availability of appropriation accounts to pay obligations.
1554. Audit, control, and reporting.
1555. Closing of appropriation accounts available for indefinite periods.
1556. Comptroller General: reports on appropriation accounts.
1557. Authority for exemptions in appropriation laws.”.

(b) Transition.—

31 USC 1551 note.

(1) Application of amendments.—The amendments made by subsection (a) shall apply to any appropriation account the obligated balance of which, on the date of the enactment of this Act, has not been transferred under section 1552(a)(1) of title 31, United States Code, as in effect on the day before the date of the enactment of this section.

(2) Restoration of certain unobligated amounts.—The balance of any unobligated amount withdrawn under section 1552(a)(2) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act, from an account the obligated balance of which has not been transferred under section 1552(a)(1) of title 31, United States Code, as in effect on the day before the date of the enactment of this section, is hereby restored to that account.

(3) Cancellation of unobligated balances.—All balances of unobligated funds withdrawn from an account under subsection 1552(a)(2) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act (other than funds restored under paragraph (2)) are canceled, effective at the end of the 30-day period beginning on the date of the enactment of this Act.

(4) Cancellation of obligated balances.—On the third September 30th after the date of the enactment of this Act, all obligated balances transferred under subsection 1552(a)(1) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act, shall be canceled.

(5) Obligation of existing balances.—After the date of the enactment of this Act, an obligation of any part of a balance transferred before the date of the enactment of this Act under section 1552(a)(1) of title 31, United States Code, shall be subject to section 1553(c) of such title, as amended by subsection (a).

(6) Cancellation of oldest obligated balances.—(A) At the end of the 30-day period beginning on the date on which the President submits to Congress the budget for fiscal year 1992, any amount in an account established under paragraph (1) of section 1552 of title 31, United States Code, as in effect before the date of the enactment of this Act, that has been in that account as of that date for a period in excess of five years shall be deobligated and shall be withdrawn in the manner provided

in paragraph (2) of that section. Amounts so deobligated a withdrawn may not be restored.

(B) Subparagraph (A) shall not apply so as to require t deobligation of amounts—

(i) for which there is documentary evidence that payme will be required within 180 days of the date of the enac ment of this Act; or

(ii) that are determined to be necessary for severan payments for foreign national employees.

(7) OBLIGATIONS AND ADJUSTMENT OF OBLIGATIONS.—(A) Afte cancellation of unobligated balances under paragraph (3) o cancellation of obligated balances under paragraph (4) or para graph (6) and subject to the provisions of subparagraph (B obligations and adjustments to obligations that would have bee chargeable to those balances before such cancellations and tha are not otherwise chargeable to current appropriations of th agency concerned may be charged to current appropriations o that agency available for the same purpose. Any charge mad pursuant to this subsection shall be limited to the unobligate expired balances of the original appropriation available for th same purpose.

(B) Any charge made pursuant to subparagraph (A) shall b subject to the maximum amount chargeable under subsectio (b) of section 1553 of title 31, United States Code, as amended b this section, and shall be included in the calculation of the tota amount charged to any account under that section.

(c) CONFORMING REPEAL.—(1) Section 2782 of title 10, Unite States Code, is repealed.

(2) The table of sections at the beginning of chapter 165 of suc title is amended by striking out the item relating to section 278

31 USC 1552 note.

SEC. 1406. AUDIT OF OBLIGATED BALANCES OF DEPARTMENT O DEFENSE

(a) AUDIT REQUIREMENT.—The Secretary of Defense shall provid for an audit of each account of the Department of Defense esta lished under paragraph (1) of section 1552(a) of title 31, Unite States Code, as in effect on the day before the date of the enactmen of this Act. The audit shall, with respect to each such accoun identify—

(1) the balance in the account;

(2) the amount of such balance that is considered by th Secretary (as of the time of the audit) to represent amoun required for valid obligations (as supported by documentar evidence as required by section 1501 of title 31) and the amoun of such balance that is considered by the Secretary (as of th time of the audit) to represent amounts for obligations that a considered no longer valid;

(3) the sources of amounts in the account, shown by fiscal yea and by amount for each fiscal year; and

(4) such other matters as the Secretary considers appropriat

(b) DEOBLIGATION OF OBLIGATIONS NO LONGER VALID.—Any ob gated amounts in accounts of the Department of Defense establishe under paragraph (1) of section 1552(a) of title 31, United States Cod that are determined pursuant to the audit under subsection (a) represent amounts for obligations that are no longer valid shall b deobligated and canceled.

(c) REPORT ON AUDIT.—Not later than December 31, 1991, the ecretary of Defense shall submit to Congress a report containing e results of the audit conducted pursuant to subsection (a). The eport shall set forth—

(1) the information required to be identified pursuant to subsection (a); and

(2) for each appropriation account (A) the average length of time funds have been obligated, (B) the average size of the obligation, and (iii) the object classification of the obligations, all shown for total obligations and separately for valid obligations and obligations that are no longer valid .

EC. 1407. FULL LIFE-CYCLE COST INFORMATION FOR ALL MAJOR DEFENSE ACQUISITION PROGRAMS

(a) COVERAGE FOR SYSTEMS BEFORE FISCAL YEAR 1985—Subpararaph (A) of section 2432(c)(3) of title 10, United States Code, is mended to read as follows:

"(A) A full life-cycle cost analysis for each major defense acquisition program included in the report that is in the full-scale engineering development stage or has completed that stage.".

(b) DEFINITION.—Section 2432(a) of such title is amended by adding t the end the following new paragraph:

"(4) The term 'full life-cycle cost', with respect to a major defense acquisition program, has the meaning given the term 'cost of the program' in section 2434(c)(2) of this title.".

(c) COORDINATION OF LIFE-CYCLE COST CRITERIA.—Section 2432(c) of uch title is amended by adding at the end the following new paragraph:

"(5) The Secretary of Defense shall ensure that paragraph (4) of ection 2432(a) of title 10, United States Code, as added by subsection a)(2), is implemented in a uniform manner, to the extent practicable, throughout the Department of Defense.".

10 USC 2432 note.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to Selected Acquisition Reports submitted under section 2342 of title 10, United States Code, after December 31, 1991.

SEC. 1408. FUNDS IN DEFENSE COOPERATION ACCOUNT

There is hereby authorized to be appropriated for fiscal year 1991 from the Defense Cooperation Account established under section 2608 of title 10, United States Code, as added by section 202 of Public Law 101-403, the sum of $1,000,300,000 for programs, projects, and activities of the Department of Defense.

10 USC 114 note.

SEC 1409. CLASSIFIED ANNEX

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 4739 of the One Hundred First Congress and transmitted to the President shall have the force and effect of law as if enacted into law.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

President.

(c) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch the Government.

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1421. PROCUREMENT LIMITATIONS WITH RESPECT TO CERTA EQUIPMENT FOR NAVAL VESSELS

Section 2507 of title 10, United States Code, as amended by secti 835, is further amended by adding at the end the following n subsection:

"(f) AIR CIRCUIT BREAKERS.—(1) The Secretary of Defense may n procure air circuit breakers for naval vessels unless—

"(A) the air circuit breakers are produced or manufactured the United States; and

"(B) substantially all of the components of the air circu breakers are produced or manufactured in the United State

"(2) For purposes of paragraph (1)(B), substantially all of th components of air circuit breakers shall be considered to be pr duced or manufactured in the United States if the aggregate cost the components produced or manufactured in the United State exceeds the aggregate cost of the components produced or manufa tured outside the United States.

"(3) Paragraph (1) does not prevent the procurement of spares an repair parts needed to support air circuit breakers produced o manufactured outside the United States.

"(4) The Secretary of Defense may waive the limitation in para graph (1) on a case-by-case basis with respect to any procurement i the Secretary determines that carrying out a proposed procuremen in accordance with the limitation in that case—

"(A) is not in the national security interests of the Unite States;

"(B) will have an adverse effect on a United States compan or

"(C) will result in procurement from a United States compan that, with respect to the sale of air circuit breakers, fails t comply with applicable Government procurement regulation or the antitrust laws of the United States.

"(5) Whenever the Secretary proposes to grant a waiver under paragraph (4), the Secretary shall submit a notice of the proposed waiver, together with a statement of the reasons for the proposed waiver, to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives. The waiver may then be granted only after the end of the 30-day period beginning on the date on which the notice is received by those committees."

SEC. 1422. POLICY FOR AREA IN WHICH SOLICITATIONS MUST BE ISSUED FOR CONTRACTS FOR OVERHAUL, ETC., OF NAVAL RESERVE FORCE SHIPS HOMEPORTED ON THE WEST COAST

Section 7299a(d)(3) of title 10, United States Code, is amended by striking out "apply—" and all that follows through the period and inserting in lieu thereof "apply in the case of voyage repairs."

SEC. 1423. REPORT ON USE OF MAYPORT NAVAL STATION AS HOMEPORT FOR NUCLEAR AIRCRAFT CARRIERS

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for upgrading Mayport Naval Station, Jacksonville, Florida, to provide that naval station with the capability to be able to service nuclear-powered aircraft carriers and otherwise to serve as a homeport for nuclear-powered aircraft carriers.

SEC. 1424. FAST SEALIFT PROGRAM

10 USC 7291 note.

(a) Establishment of Program.—The Secretary of the Navy shall establish a program for the construction and operation of cargo vessels that incorporate features essential for military use of the vessels.

(b) Program Requirements.—The program under this section shall be carried out as follows:

(1) The Secretary of the Navy shall establish the design requirements for vessels to be constructed under the program.

(2) In establishing the design requirements for vessels to be constructed under the program, the Secretary shall use commercial design standards and shall consult with the Administrator of the Maritime Administration.

(3) Construction of the vessels shall be accomplished in private United States shipyards.

(c) Charter of Vessels Constructed.—(1) Except when the Secretary determines that having a vessel immediately available with a full or partial crew is in the national interest, the Secretary, in consultation with the Administrator of the Maritime Administration, shall charter each vessel constructed before October 1, 1995, under the program for commercial operation. Any such charter—

(A) shall not permit the operation of the vessel other than in the foreign commerce of the United States;

(B) may be made only with an individual or entity that is a citizen of the United States (which, in the case of a corporation, partnership, or association, shall be determined in the manner specified in section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)); and

(C) shall require that the vessel be documented (and remain documented) under the laws of the United States.

(2) The Secretary may enter into a charter under paragraph (1) only through the use of competitive bidding procedures that ensure that the highest charter rates are obtained by the United States consistent with good business practice, except that the Secretary may operate the vessel (or contract to have the vessel operated) in direct support of United States military forces during a time of war or national emergency and at other times when the Administrator of the Maritime Administration determines that that operation would not unfairly compete with another United States-flag vessel.

(3) If the Secretary determines that a vessel previously chartered under the program no longer has commercial utility, the Secretary may transfer the vessel to the National Defense Reserve Fleet.

(4) A contract for the charter of a vessel under paragraph (1) shall include a provision that the charter may be terminated for national security reasons without cost to the United States.

(d) Reports To Congress.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report describing the Secretary's plan for implementing the fast sealift program authorized by this section.

(2) Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the implementation of the plan described in the report submitted under paragraph (1). The report shall include a description of vessels built

or under contract to be built pursuant to this section, the use of such vessels, and the operating experience and manning of such vessels.

(3) The reports under paragraphs (1) and (2) shall be prepared in consultation with the Administrator of the Maritime Administration.

(e) Availability of Funds.—Amounts appropriated to the Department of Defense for any fiscal year for acquisition of fast sealift vessels may be used for the program under this section.

SEC. 1425. AUTHORIZATION FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES DURING FISCAL YEAR 1991

(a) Authority To Bid.—During fiscal year 1991, naval shipyards and Army, Navy, and Air Force aviation depots may, subject to the discretion of the Secretary of Defense, compete for contracts for the production of defense-related articles and contracts for the provision of services related to defense programs.

(b) Required Estimates of Cost Factors.—The Secretary of the military department concerned shall ensure that any bid by a naval shipyard or an aviation depot on a contract referred to in subsection (a) includes estimates for all direct and indirect cost factors, including all direct and indirect cost factors included in bids submitted by private firms. Office of Management and Budget Circular A-76 shall not apply to competitions conducted under the authority of this section.

(c) Limitation.—This section shall not apply if the Secretary of the military department concerned determines that there are not adequate facilities or personnel available at naval shipyards or aviation depots, as the case may be, to provide the required articles.

(d) Defense-Related Articles Covered.—For purposes of this section, the term "defense-related articles" does not include—

(1) ship construction, overhaul, repair, and maintenance,
(2) ship refueling,
(3) aircraft maintenance and repair, and
(4) aircraft engine manufacture, overhaul, and repair.

SEC. 1426. NAMING OF GUIDED MISSILE DESTROYER THE U.S.S. SAMUEL S. STRATTON

(a) Findings.—The Congress finds that—

(1) the late Honorable Samuel S. Stratton served the people of the United States and the 23d District of New York as a Member of the House of Representatives for 30 consecutive years with loyalty, dedication, and warm personal friendship until his retirement at the conclusion of the 100th Congress.

(2) Samuel S. Stratton served as a member of the Committee on Armed Services of the House of Representatives for 30 years and did so with total dedication to the goal of maintaining a strong national defense;

(3) as a member of the Committee on Armed Services, Samuel S. Stratton served as chairman of three permanent subcommittees (the Military Personnel and Compensation Subcommittee, the Investigations Subcommittee, and the Procurement and Military Nuclear Systems Subcommittee) and as chairman of no fewer than five special subcommittees and panels having a major effect on every aspect of our country's defense establishment;

(4) Samuel S. Stratton played a major legislative and intellectual role in such diverse areas as strengthening the NATO alliance, modernization of Guard and Reserve forces, pursuit of verifiable arms control agreements, protection of the defense industrial base, development of missile and aviation programs, and improvement in the military medical care and military justice systems;

(5) through his singular and distinctive efforts, Samuel S. Stratton was successful in seeing enacted into law the requirement that women be admitted to the Nation's service academies; and

(6) Samuel S. Stratton's service to the Nation (including his wartime and reserve service as a naval officer and service as a Member of Congress) left an indelible mark on the history of the Nation and his unswerving goal of maintenance of a strong national defense knows no peer.

(b) Sense of Congress.—In light of the findings expressed in ubsection (a), it is the sense of Congress that the Secretary of the avy should name the next guided missile destroyer (DDG-51) to be amed after enactment of this Act the U.S.S. Samuel S. Stratton.

EC. 1427. CLARIFICATION OF PROCEDURES FOR REVIEW OF CERTAIN VESSEL TRANSFERS

Section 7308(c) of title 10, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

Part C—Guard and Reserve Initiative

EC. 1431. SENSE OF THE CONGRESS ON GREATER USE OF THE RESERVE COMPONENTS OF THE ARMED FORCES

(a) Findings.—Congress makes the following findings:

(1) The reserve components of the Armed Forces are an essential element of the national security establishment of the United States.

(2) The overall reduction in the threat and the likelihood of continued fiscal constraints require the United States to increase use of the reserve components of the Armed Forces.

(3) The Department of Defense has not adequately implemented the Total Force Policy since its inception in 1973.

(4) The Department of Defense should shift a greater share of force structure and budgetary resources to the reserve components of the Armed Forces.

(5) Expanding the reserve components is the most effective way to retain quality personnel as the force structure of the active components is reduced over the next five years.

(6) The United States should recommit itself to the concept of the citizen soldier as a cornerstone of national defense policy for the future.

(7) The President and the Secretary of Defense should take note of and be willing to exercise existing reserve call-up authority for the purpose of using reserve component forces to perform operational missions without the necessity for declaring a national emergency.

(b) CONGRESSIONAL DECLARATION.—In view of the findings e pressed in subsection (a), Congress declares that—

(1) the structure and strength of the current reserve compo nents should be preserved;

(2) the equipment levels in existing reserve component uni should be increased to match their active duty counterpart

(3) selected missions of the active components of the Arme Forces should be increasingly transferred to the reserve compo nents;

(4) the equipment available to the units of the reserve compo nents should be modernized; and

(5) the integration of active component and reserve compo nent units should be promoted as a means of achieving th Total Force Policy of the Department of Defense.

SEC. 1432. FINDINGS AND SENSE OF CONGRESS REGARDING THE IMPOR TANCE OF THE READY RESERVE

(a) FINDINGS.—The Congress finds that—

(1) as a result of the recent dramatic changes in Eastern Europe and the Soviet Union, the active military forces of the United States will be significantly reduced; and

(2) as a consequence of that reduction it will be necessary to rely increasingly, in the event of a threat to the national security, on the immediate availability of trained personnel of the Ready Reserve of the reserve components of the Armed Forces.

(b) SENSE OF CONGRESS.—In light of the finding in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should take appropriate action to ensure that members of the Ready Reserve are made fully aware of their continuing obligation for immediate service in the active military forces in the event of a war or national emergency;

(2) the Secretary should use the annual muster provided for under section 687 of title 10, United States Code, as a means of alerting such personnel to that obligation; and

(3) the Secretary should ensure that adequate funds are made available, out of funds appropriated for the reserve components, to carry out the annual muster of such personnel.

SEC. 1433. COMMENDATION OF THE NATIONAL GUARD AND RESERVE

(a) FINDINGS.—Congress makes the following findings:

(1) Since the earliest days of this Nation, citizen-soldiers of the United States have protected their fellow citizens, defended the country, and provided heroic assistance during and following natural disasters.

(2) The citizen-soldier has played a key role in the protection of freedom since the days of the American Revolution.

(3) The National Guard and the Reserve have been accorded significantly increased status in the overall defense posture of the United States since the end of World War II.

(4) During a period in history when the Nation may face new and varied threats to peace, it is imperative that the combat capability of the National Guard and the Reserve be adequately maintained and supported.

(5) The excellence of the National Guard and Reserve is directly attributable to hard work and dedication of the

outstanding men and women who regularly perform duty in the Guard and Reserve.

(b) CONGRESSIONAL DECLARATION.—In light of the findings in ubsection (a), Congress—

(1) acknowledges the valuable contribution that the men and women of the National Guard and the Reserve have made to the Nation's security; and

(2) continues to support the essential role that the National Guard and the Reserve perform in the total defense establishment of the United States.

EC. 1434. SENSE OF CONGRESS CONCERNING UNITED STATES ARMORED FORCES

(a) FINDINGS.—Congress makes the following findings:

(1) Dramatic political and military changes have occurred recently in Eastern Europe.

(2) The Warsaw Pact is no longer a credible military threat to the North Atlantic Treaty Organization (NATO).

(3) It appears that the heavy armored armies of both NATO and the Warsaw Pact will be substantially reduced as the result of arms control agreements or unilateral actions.

(4) There is a continued need for armor forces and many countries possess large inventories of modern tanks.

(5) The Soviet Union will still produce 1,400 new tanks in 1990.

(6) With significantly increased warning times of enemy attack, greater reliance will be placed on United States reserve component forces for armored heavy force reinforcement missions.

(7) There is a need to enhance the capabilities of armored forces of the reserve components to assume increased responsibilities for armored heavy force reinforcement missions.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), is the sense of the Congress that—

(1) the Army should take timely and necessary steps to enhance the capabilities of armored forces of the reserve components;

(2) the United States Army Armor Center should continue as the center for training, education, doctrine, and combat development for the armored forces of the United States, both active and reserve; and

(3) the United States Army Armor Center should ensure that the armored forces of the reserve components are adequately prepared to accept the increased role in armored heavy force reinforcement missions that will be assigned to them.

C. 1435. PRESERVATION OF FORCE STRUCTURE IN THE RESERVE COMPONENTS

a) IN GENERAL.—The Secretary of Defense shall ensure that the ce structure of the Selected Reserve of the reserve components of e Armed Forces during fiscal year 1991 is equivalent to the force ucture of those components on January 1, 1990.

b) AUTHORITY TO CHANGE FORCE STRUCTURE.—The Secretary may ke changes in the force structure of the Selected Reserve of the erve components only to the extent that the Secretary deter- nes that such changes enhance the capability of reserve units in e interests of national security.

SEC. 1436. AIR NATIONAL GUARD AND AIR FORCE RESERVE AIRCR

(a) TRANSFER OF AIRCRAFT TO RESERVE COMPONENT.—The S retary of the Air Force, by the transfer of aircraft from regu component squadrons to reserve component squadrons, shall ens that on September 30, 1994—

(1) the average number of aircraft assigned to a tanker a craft squadron in the Air National Guard of the United Sta or the Air Force Reserve is equal to the average number aircraft assigned to a tanker aircraft squadron in the regul component of the Air Force;

(2) the average number of aircraft assigned to a fighter a craft squadron in the Air National Guard of the United Stat or the Air Force Reserve is equal to the average number aircraft assigned to a fighter aircraft squadron in the regul component of the Air Force; and

(3) the average number of aircraft assigned to an airl aircraft squadron in the Air National Guard of the Unit States or the Air Force Reserve is equal to the average numb of aircraft assigned to an airlift aircraft squadron in the regul component of the Air Force.

(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may temp rarily waive the requirement in subsection (a) with respect to specific reserve component squadron if the Secretary determine that the squadron cannot operate the aircraft required to be tran ferred and that the transfer would be prejudicial to the nation security of the United States.

(2) Temporary waivers under paragraph (1) shall be made on case-by-case basis. Such a waiver shall be for a period not to excee one year, but may be renewed for an additional period of one yea under the conditions specified in paragraph (1).

SEC. 1437. P-3 AIRCRAFT

(a) TRANSFER OF AIRCRAFT TO RESERVE COMPONENTS.—(1) The Secretary of the Navy, by the transfer of aircraft from regula component squadrons to reserve component squadrons, shall ensur that on September 30, 1996, the average number of aircraft assigne to a P-3 aircraft squadron in the Naval Reserve is equal to th average number of aircraft assigned to a P-3 aircraft squadron i the regular Navy.

(2) The Secretary shall transfer no fewer than 32 P-3C aircraf pursuant to subsection (a).

(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may tempo rarily waive the requirements in subsection (a) with respect to specific reserve component squadron if the Secretary determine that—

(A) the submarine threat presented by the Soviet Union ha increased; and

(B) the P-3B aircraft would be able to track and attac effectively the submarines that comprise the increase in the threat.

(2) Temporary waivers under paragraph (1) shall be made on case-by-case basis. Such a waiver shall be for a period not to excee one year, but may be renewed for an additional period of one year under the conditions specified in paragraph (1).

(c) PROHIBITION ON USE OF FUNDS.—Funds appropriated or other wise made available for operation and maintenance for the Navy for any fiscal year beginning on or after September 30, 1996, may not be used to operate or maintain P-3B aircraft.

SEC. 1438. TACTICAL AIRLIFT MISSION

(a) In General.—Not later than September 30, 1992, the Secretary of Defense shall assign the tactical airlift mission of the Department of Defense to the Air Force Reserve and the Air National Guard of the United States.

(b) Requirement for Transfer Plan.—The Secretary of the Air Force shall develop a plan for the transfer of all tactical airlift transport aircraft to the Air Force Reserve and the Air National Guard of the United States at the earliest practical date and shall complete the transfer in accordance with such plan not later than September 30, 1992.

(c) Deadline for Submission of Plan.—The Secretary of the Air Force shall submit to the congressional defense committees a copy of the plan referred to in subsection (b) not later than June 1, 1991.

SEC. 1439. REPLACEMENT OF OV-1 AND OV-10 AIRCRAFT WITH A-10 AIRCRAFT

(a) Prohibition on Use of Funds.—(1) Funds appropriated or otherwise made available to the Army for any fiscal year beginning after September 30, 1996, may not be used to operate or maintain OV-1 aircraft.

(2) Funds appropriated or otherwise made available to the Marine Corps after September 30, 1996, may not be used to operate or maintain OV-10 aircraft.

(b) Retirement of OV-1 and OV-10 Aircraft.—(1) Not later than September 30, 1991, the Secretary of the Army shall retire not less than 20 percent of the OV-1 aircraft in the inventory of the Army on October 1, 1990.

(2) The Secretary of the Army and the Secretary of the Navy shall take such action as necessary to retire, by not later than September 30, 1996, all OV-1 and OV-10 aircraft in the inventory of the Army and Marine Corps, respectively. The Secretary of the military department concerned shall notify the Secretary of the Air Force at the time each such aircraft is retired, and the Secretary of the Air Force shall, upon such notification, transfer one A-10 aircraft and all required support equipment to such military department.

(c) Training and Support.—Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9316. Training and support for A-10 aircraft

"The Secretary of the Air Force shall provide each military department with flight training, fleet support, and depot maintenance with respect to all A-10 aircraft assigned to each such department.".

(d) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§ 9316. Training and support for A-10 aircraft.".

Part D—Arms Control Matters

SEC. 1441. SENSE OF CONGRESS ON ADDITIONAL NUCLEAR RISK REDUCTION MEASURES

(a) Findings.—Congress makes the following findings:

(1) On June 1, 1990, the President of the United States an the President of the Soviet Union signed a document entitle "Joint Statement on Future Negotiations on Nuclear and Spac Arms and Further Enhancing Strategic Stability".

(2) In that document, the two nations pledged to pursu additional confidence-building and predictability measure "that would reduce the possibility of an outbreak of nuclear wa as a result of accident, miscalculation, terrorism, or unexpecte technological breakthrough, and would prevent possibl incidents between them".

(3) As a result of the recent increase in ethnic, national economic, and political tensions within the Soviet Union, concern has heightened regarding the possible unauthorized o accidental use of Soviet nuclear weapons.

(4) It has been four years since the Department of Defense conducted a comprehensive review of its nuclear control procedures and failsafe mechanisms.

(5) The Joint Chiefs of Staff, in its 1990 Joint Military Net Assessment, concluded that with the recent changes in the global security environment "the risk of nuclear deterrence failing is assessed to be low and at this moment to be decreasing".

(6) While Congress is concerned about continued strategic offensive and defensive modernization by the Soviet Union and the unpredictable status of the domestic situation in the Soviet Union, at this stage the lessened prospects that nuclear weapons of the United States might have to be employed may afford an opportunity to reconsider past reluctance to use certain positive control measures, such as the installation of permissive action links (PALs) on nuclear weapons deployed at sea by the United States and the installation of post-launch destruct mechanisms on intercontinental ballistic missiles (ICBMs) and submarine launched ballistic missiles (SLBMs) deployed by the United States, as long as appropriate security measures can be developed to protect the integrity of such destruct mechanisms.

(7) On September 15, 1987, the United States and the Soviet Union agreed to establish Nuclear Risk Reduction Centers (NRRCs) in Washington and Moscow.

(8) The NRRCs have made a useful contribution to lowering the risks of accidental or inadvertent nuclear war and are capable of taking on expanded roles.

(b) **Sense of Congress.**—It is the sense of Congress—

(1) that the President of the United States and the President of the Union of Soviet Socialist Republics are to be commended for their June 1, 1990, joint statement to pursue additional nuclear confidence-building measures; and

(2) that, in keeping with that joint statement, the President—

(A) should invite the Soviet Union to join with the United States in conducting separate but parallel, comprehensive reviews of each nation's own nuclear control procedures and failsafe mechanisms; and

(B) should propose to the Soviet Union that representatives of the two nations engage in discussions with the objective of agreeing on additional roles and functions that could be assigned to the Nuclear Risk Reduction Centers to further lessen the risks of the outbreak of nuclear war as the result of misinterpretation, miscalculation, or accident.

(c) REPORT ON ADDITIONAL MEASURES.—Not later than March 1, 1991, the President shall submit to Congress a report (in both classified and unclassified form) assessing additional nuclear risk reduction measures which could be implemented pursuant to the joint statement of June 1, 1990, referred to in subsection (b), including the following:

(1) Assigning to the Nuclear Risk Reduction Centers (NRRCs) such expanded roles as the following:

(A) Serving as a forum for discussions between the two nations on responding to possible nuclear terrorism.

(B) Transmitting notifications that may be required under future arms control treaties.

(C) Transmitting non-urgent notifications and information requests required under Article 5 of the 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States and the Union of Soviet Socialist Republics.

(D) Providing a forum for discussions between the United States and the Soviet Union on restricting nuclear, chemical, and missile proliferation.

(E) Serving as a meeting place for high-level military discussions on nuclear doctrines, forces and activities, and regional security concerns.

(2) Installation of post-launch destruct mechanisms on all intercontinental ballistic missiles (ICBMs) and submarine launched ballistic missiles (SLBMs) deployed by the United States.

(3) Installation by the United States of permissive action links (PALs) on all nuclear weapons at sea.

SEC. 1442. START AND STRATEGIC MODERNIZATION

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and the Soviet Union are engaged in the Strategic Arms Reduction Talks (START) in Geneva.

(2) In the Joint Statement on the Treaty on Strategic Offensive Arms signed in June 1990, the two sides reaffirmed their determination to have a START agreement completed and ready for signature by the end of 1990.

(3) Under the provisions of a START agreement, both sides will carry out significant reductions in strategic offensive arms.

(4) In the Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability, the United States and the Soviet Union agreed to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms.

(5) The objectives of these negotiations will be to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilizing reductions in the strategic arsenals of both countries.

(6) The President's effort to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(7) The Soviet Union has maintained a robust strategic modernization program throughout the course of the START negotiations which continues today.

(b) It is the sense of the Congress that—

(1) the Congress fully supports United States efforts to e hance strategic stability; and

(2) the United States should pursue stabilizing strategic arm reduction agreements while maintaining a vigorous researc and development and modernization program for United State strategic forces as required for a prudent defense posture.

SEC. 1443. STRATEGIC ARMS REDUCTION TALKS AGREEMENT

(a) SENSE OF CONGRESS.—It is the sense of the Congress that th President, before concluding an agreement in the Strategic Arm Reduction Talks, should provide to Congress—

(1) a report on whether the SS-23 INF missiles of Sovie manufacture, which the Soviet Union has confirmed have bee stationed in the territory of the former German Democrati Republic and in the territories of Czechoslovakia and Bulgaria constitute a violation of the INF Treaty or constitute deceptio in the INF negotiations, and whether the United States ha reliable assurances that those missiles will be destroyed; an

(2) a report on whether the Krasnoyarsk radar, which th Foreign Minister of the Soviet Union admitted is a clear viola tion of the 1972 ABM Treaty, has been verifiably dismantled i accordance with United States criteria.

Classified information.

FORM OF REPORTS.—The reports under paragraphs (1) and (2) o subsection (a) should be submitted in both classified and unclassifie form.

PART E—MATTERS RELATING TO ALLIES AND OTHER NATIONS

SEC. 1451. RECIPROCAL LOGISTICAL SUPPORT

(a) CROSS-SERVICING AGREEMENTS.—Subsection (a) of section 234 of title 10, United States Code, is amended to read as follows

"(a)(1) Subject to section 2343 of this title and to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into an agreement described in paragraph (2) with—

"(A) the government of a North Atlantic Treaty Organizatio country;

"(B) a subsidiary body of the North Atlantic Treaty Organization; or

"(C) the government of a country not a member of the North Atlantic Treaty Organization but which is designated by the Secretary of Defense, subject to the limitations prescribed in subsection (b), as a government with which the Secretary may enter into agreements under this section.

"(2) An agreement referred to in paragraph (1) is an agreemen under which the United States agrees to provide logistic support, supplies, and services to military forces of a country or subsidiary body referred to in paragraph (1) in return for the reciprocal provisions of logistic support, supplies, and services by such governmen or subsidiary body to elements of the armed forces.".

(b) ADDITIONAL AUTHORITY IN CONNECTION WITH MUTUAL DEFENS AGREEMENTS AND OCCUPATIONAL ARRANGEMENTS.—(1) Chapter 13 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2350g. Authority to accept use of real property, services, and supplies from foreign countries in connection with mutual defense agreements and occupational arrangements

"(a) AUTHORITY TO ACCEPT.—The Secretary of Defense may accept from a foreign country, for the support of any element of the armed forces in an area of that country—

"(1) real property or the use of real property and services and supplies for the United States or for the use of the United States in accordance with a mutual defense agreement or occupational arrangement; and

"(2) services furnished as reciprocal international courtesies or as services customarily made available without charge.

"(b) QUARTERLY REPORTS.—(1) Not later than 30 days after the end of each quarter of each fiscal year, the Secretary of Defense shall submit to Congress a report on property, services, and supplies accepted by the Secretary under this section during the preceding quarter. The Secretary shall include in each such report a description of all property, services, and supplies having a value of more than $1,000,000.

"(2) In computing the value of any property, services, and supplies referred to in paragraph (1), the Secretary shall aggregate the value of—

"(A) similar items of property, services, and supplies accepted by the Secretary during the quarter concerned; and

"(B) components which, if assembled, would comprise all or a substantial part of an item of equipment or a facility.

"(c) AUTHORITY TO USE PROPERTY, SERVICES, AND SUPPLIES.—Property, services, or supplies referred to in subsection (a) may be used by the Secretary of Defense without specific authorization, except that such property, services, and supplies may not be used in connection with any program, project, or activity if the use of such property, services, or supplies would result in the violation of any prohibition or limitation otherwise applicable to that program, project, or activity.

"(d) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of property, services, and supplies accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.".

(2) The table of sections at the beginning of chapter 138 of such title is amended by adding at the end the following new item:

"2350g. Authority to accept use of real property, services, and supplies from foreign countries in connection with mutual defense agreements and occupational arrangements.".

(c) CONFORMING REPEAL.—Section 9008 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165; 103 Stat. 1130), is repealed.

10 USC 2341 note.

SEC. 1452. DEPARTMENT OF DEFENSE OMBUDSMAN FOR FOREIGN SIGNATORIES OF INTER-GOVERNMENTAL MEMORANDUMS OF AGREEMENT CONCERNING ACQUISITION MATTERS

(a) DESIGNATION OF OMBUDSMAN.—(1) Chapter 138 of title 10, United States Code, as amended by section 1451(b), is amended by adding at the end of subchapter II the following new section:

"§ 2350h. Memorandums of agreement: Department of Defens ombudsman for foreign signatories

"The Secretary of Defense shall designate an official to act a ombudsman within the Department of Defense on behalf of foreig governments who are parties to memorandums of agreement wit the United States concerning acquisition matters under the jurisdiction of the Secretary of Defense. The official so designated shal assist officials of those foreign governments in understanding an complying with procedures and requirements of the Department o Defense (and, as appropriate, other departments and agencies of th United States) insofar as they relate to any such memorandum o agreement.".

(2) The table of sections at the beginning of such subchapter, a amended by section 1451(b), is amended by adding at the end th following new item:

"2350h. Memorandums of agreement: Department of Defense ombudsman for foreign signatories.".

22 USC 2350h note.

(b) Deadline.—The official required to be designated under section 2350h of title 10, United States Code, as added by subsection (a shall be designated by the Secretary of Defense not later than 9 days after the date of the enactment of this Act.

SEC. 1453. EXPANSION OF SCOPE OF REQUIREMENTS RELATING TO DEFENSE MEMORANDA OF UNDERSTANDING AND RELATE AGREEMENTS

Section 2504(a) of title 10, United States Code, is amended b inserting "or to the reciprocal procurement of defense items," after "defense equipment," in the matter above clause (1).

SEC. 1454. COOPERATION WITH JAPAN ON TECHNOLOGICAL RESEARC AND DEVELOPMENT

(a) Findings.—Congress makes the following findings:

(1) Japan has developed highly sophisticated research and manufacturing capabilities.

(2) Those capabilities have produced technologies that can be usefully applied to the development and manufacture of both commercial products and defense equipment.

(3) The availability of those technologies to the United States would greatly enhance the development and manufacture of defense equipment for the Armed Forces of the United States.

(4) Since the exchange of notes between the United States and Japan on the transfer of Japanese military technologies in 1983, the level and quality of technological cooperation between the two countries have been unsatisfactory.

(5) Effective cooperation in technology research and development between the United States and Japan would enhance the security of both countries.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States and Japan should strengthen their cooperation with regard to technology that would contribute to the security of both countries;

(2) technological cooperation between the two countries should be based upon an equitable and mutual sharing of the costs and benefits of that cooperation; and

(3) the Secretary of Defense should improve the staffing, funding, and organization of those activities within the Depart-

ment of Defense responsible for implementing and overseeing technological cooperation with Japan.

(c) Cooperation on Research and Development.—In light of the expressions in subsections (a) and (b), Congress urges and requests the President and directs the Secretary of Defense to pursue vigorously opportunities for the United States and Japan to cooperate in the development of technologies that benefit the security of both countries, particularly those technologies that have both commercial and military applications, commonly referred to as "dual-use" technologies.

(d) Cooperative Research and Development Projects.—(1) Subject to paragraphs (2) and (3), of the funds authorized to be appropriated pursuant to section 201 for basic research, exploratory development, and advanced technology, $10,000,000 shall be available for research and development projects conducted jointly by the United States and Japan, pursuant to a memorandum of understanding or other formal agreement, for the purpose of—

(A) developing new conventional defense equipment; or

(B) modifying existing defense equipment to meet United States defense requirements.

(2)(A) Funds made available for research and development projects under paragraph (1) may be obligated and expended for a particular research project only if the Secretary of Defense determines that—

(i) the particular project will improve, through the application of emerging technology, the conventional defense capabilities of the United States and Japan; and

(ii) the applicable memorandum of understanding or other formal agreement provides for the sharing of costs on an equitable basis.

(B) The Secretary may delegate the performance of the responsibility to make determinations under subparagraph (A) only to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

(3) None of the funds made available for research and development projects under paragraph (1) may be used for research and development under the Strategic Defense Initiative.

(e) Staffing.—The Secretary of Defense is urged to increase the number of personnel assigned to the Office of the Deputy Under Secretary of Defense (International Programs) for the specific purpose of providing oversight of the joint research and development projects of the United States and Japan for which funds are made available under subsection (d).

SEC. 1455. PERMANENT CEILING ON UNITED STATES ARMED FORCES IN JAPAN AND CONTRIBUTIONS BY JAPAN TO THE SUPPORT OF UNITED STATES FORCES IN JAPAN

10 USC 113 note.

(a) Purpose.—It is the purpose of this section to require Japan to offset the direct costs (other than pay and allowances for United States military and civilian personnel) incurred by the United States related to the presence of United States military personnel in Japan.

(b) Permanent Ceiling on United States Armed Forces in Japan.—Funds appropriated pursuant to an authorization contained in this Act or any subsequent Act may not be used to support an end strength level of all personnel of the Armed Forces of the United States stationed in Japan at any level in excess of 50,000.

(c) SENSE OF CONGRESS ON ALLIED BURDEN SHARING.—(1) Congress recognizes that Japan has made a substantial pledge of financial support to the effort to support the United Nations Security Council resolutions on Iraq.

(2) It is the sense of Congress that—

(A) all countries that share the benefits of international security and stability should, commensurate with their national capabilities, share in the responsibility for maintaining that security and stability; and

(B) given the economic capability of Japan to contribute to international security and stability, Japan should make contributions commensurate with that capability.

President.

(d) NEGOTIATIONS.—At the earliest possible date after the date of the enactment of this Act, the President shall enter into negotiations with Japan for the purpose of achieving an agreement before September 30, 1991, under which Japan offsets all direct costs (other than pay and allowances for United States military and civilian personnel) incurred by the United States related to the presence of all United States military personnel stationed in Japan.

(e) EXCEPTIONS.—(1) This section shall not apply in the event of a declaration of war or an armed attack on Japan.

(2) This section may be waived by the President if the President—

(A) declares an emergency or determines that such a waiver is required by the national security interests of the United States; and

(B) immediately informs the Congress of the waiver and the reasons for the waiver.

SEC. 1456. LIMITATION ON THE COSTS TO THE UNITED STATES FOR PAYMENTS TO FOREIGN NATIONALS EMPLOYED AT BASES OUTSIDE THE UNITED STATES

(a) LIMITATION.—The costs incurred by the United States during fiscal year 1991 for the payment of salaries and other remuneration to foreign nationals who are employed at United States military installations located outside the United States shall be reduced by the Secretary of Defense at a rate necessary to achieve a 25 percent reduction in such costs by the end of fiscal year 1991 below the amount that was requested for such costs in the budget for fiscal year 1991 submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) WAIVER AUTHORITY AND REQUIREMENT OF NOTIFICATION.—The Secretary of Defense may waive the requirement of subsection (a) if the Secretary determines that the national security interests of the United States require such action. If the requirement of subsection (a) is waived, the Secretary shall notify Congress of that action and include in that notification the reasons for such waiver.

50 USC 404c.

SEC. 1457. ANNUAL REPORT ON UNITED STATES SECURITY ARRANGEMENTS AND COMMITMENTS WITH OTHER NATIONS

President.

(a) REPORT REQUIREMENTS.—The President shall submit to the Committees on Armed Services and on Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate each year a report (in both classified and unclassified form) on United States security arrangements with, and commitments to, other nations.

(b) MATTERS TO BE INCLUDED.—The President shall include in each such report the following:

(1) A description of—

(A) each security arrangement with, or commitment to, other nations, whether based upon (i) a formal document (including a mutual defense treaty, a pre-positioning arrangement or agreement, or an access agreement), or (ii) an expressed policy; and

(B) the historical origins of each such arrangement or commitment.

(2) An evaluation of the ability of the United States to meet its commitments based on the projected reductions in the defense structure of the United States.

(3) A plan for meeting each of those commitments with the force structure projected for the future.

(4) An assessment of the need to continue, modify, or discontinue each of those arrangements and commitments in view of the changing international security situation.

(c) Deadline for Report.—(1) Except as provided in paragraph (2), the President shall submit the report required by subsection (a) not later than February 1 of each year.

(2) In the case of the report required to be submitted in 1991, the evaluation, plan, and assessment referred to in paragraphs (2), (3), and (4) of subsection (b) may be submitted not later than May 1, 1991.

SEC. 1458. ECONOMIC SANCTIONS AGAINST THE REPUBLIC OF IRAQ

50 USC 1701 note.

If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation nto the United States of any or all products of any foreign country that has not—

(1) prohibited—

(A) the importation of products of Iraq into its customs territory, and

(B) the export of its products to Iraq; or

(2) given assurances satisfactory to the President that such import and export sanctions will be promptly implemented.

SEC. 1459. HUMANITARIAN ASSISTANCE FOR LITHUANIA

(a) Sense of Congress.—It is the sense of Congress that the President should provide appropriate forms of humanitarian assistnce for Lithuania. Such assistance is necessary as a result of the ourageous efforts of the Lithuanian people to rebuild an independnt society and state.

(b) Agency for International Development.—The Adminisrator of the Agency for International Development should—

(1) furnish such humanitarian assistance through the International Committee of the Red Cross, the Lithuanian Red Cross, CARITAS, and other voluntary relief agencies;

(2) solicit private sector donations of humanitarian assistance for Lithuania;

(3) cooperate with private relief agencies attempting to provide humanitarian assistance to Lithuania; and

(4) make all necessary arrangements to ensure that Lithuanians begin to receive critical humanitarian assistance as soon as possible.

(c) HUMANITARIAN ASSISTANCE FOR LATVIA, ESTONIA, ETC.—Where possible, appropriate humanitarian assistance should also be extended to Latvia and Estonia as well as needy republics of the Soviet Union.

(d) DEFINITION.—As used in this section, the term "humanitarian assistance" includes—

(1) medical supplies;

(2) oil, gas, and fuel for emergency vehicles and medical facilities;

(3) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

(4) food and clothing; and

(5) transportation of private donations of humanitarian assistance.

PART F—MISCELLANEOUS MATTERS

SEC. 1461. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS

(a) IN GENERAL.—Subsection (c) of section 119 of title 10, United States Code, is amended to read as follows:

Reports.

"(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances."

(b) AMENDMENT TO DEFINITION.—Subsection (f) of such section is amended by inserting "and Appropriations" after "Armed Services" in paragraph (1).

SEC. 1462. DEVELOPMENT AND PRODUCTION OF WEAPONS AND WEAPON SYSTEMS HAVING STANDOFF ATTACK CAPABILITIES AND EMPLOYING SENSOR-FUSED DEVICES

The Secretary of the Air Force—

(1) should complete development of weapons and weapon systems having standoff attack capabilities and employing sensor-fused devices;

(2) upon completion of such development, should proceed with the production of such weapons and weapon systems; and

(3) should provide that such production should take place at facilities so selected during the development phase of these weapons.

SEC. 1463. AUTHORITY TO REIMBURSE NORTH AMERICAN VAN LINES AND THE CHURCH OF GOD FOR CERTAIN DAMAGES CAUSED DURING OPERATION JUST CAUSE

(a) AUTHORITY TO REIMBURSE.—Notwithstanding any other provision of law, the Secretary of the Defense, subject to the approval of the Attorney General, may, to the extent that funds are available for obligation—

(1) reimburse North American Van Lines, a corporation operating under the laws of the State of Delaware, in an amount not to exceed $357,000, for damage to, or loss of, property owned by that corporation that—

(A) was located pursuant to the requirements of a contract with the Department of Defense at Albrook Air Force Base, Panama, on December 22, 1989; and

(B) was damaged or destroyed by United States Armed Forces during Operation Just Cause begun on December 22, 1989; and

(2) reimburse the Church of God in an amount not to exceed $325,000, for damage to, or loss of, property owned by that church that—

(A) was in the vicinity of Albrook Air Force Base, Panama, on December 22, 1989; and

(B) was damaged or destroyed by United States Armed Forces during Operation Just Cause begun on December 22, 1989.

(b) ADMINISTRATIVE REQUIREMENTS.—Reimbursement may be allowed under subsection (a) only if—

(1) a request for such reimbursement is presented in writing to the Secretary of Defense not later than December 22, 1991;

(2) the damage to, or loss of, property was not caused in whole or in part by a negligent or wrongful act of—

(A) North American Van Lines (or an agent or employee of North American Van Lines), in the case of property described in subsection (a)(1); and

(B) the Church of God (or an agent or employee of the Church of God), in the case of property described in subsection (a)(2); and

(3) the amount of damages is substantiated by the Secretary of Defense.

(c) LIMITATIONS.—(1) No funds may be paid pursuant to this section to North American Van Lines until North American Van Lines has made every reasonable effort (as determined by the Secretary of Defense) to secure compensation for the losses covered by this section through private means. No funds may be paid pursuant to this section to the Church of God until the Church of God has made every reasonable effort (as determined by the Secretary of Defense) to secure compensation for the losses covered by this section through private means.

(2) No more than 20 percent of the sum paid under this section to North American Van Lines may be paid to any attorneys for legal services rendered in connection with the damage to, or loss of, property with respect to which that amount is paid. No more than 20 percent of the sum paid under this section to the Church of God may be paid to any attorneys for legal services rendered in connec- ion with the damage to, or loss of, property with respect to which hat amount is paid.

(3) Acceptance of a payment by North American Van Lines unde this section constitutes full and final settlement of any claim b North American Van Lines against the United States resulting from the damage to, or loss of, property described in subsection (a Acceptance of a payment by the Church of God under this sectio constitutes full and final settlement of any claim by the Church o God against the United States resulting from the damage to, or los of, property described in subsection (a).

SEC. 1464. EXTENSION OF DEADLINE FOR NATIONAL TEST CENTE INSTRUMENTATION

Section 166(b)(2) of the National Defense Authorization Act fo Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1391) i amended by striking out "July 1, 1990" and inserting in lieu thereo "January 1, 1993".

10 USC 2341 note.

SEC. 1465. OVERSEAS WORKLOAD PROGRAM

(a) In General.—A firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) Site for Performance of Work.—A contract awarded during fiscal year 1991 to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) Exceptions.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside the specific region—

(1) could adversely affect the military preparedness of the Armed Forces of the United States; or

(2) would violate the terms of an international agreement to which the United States is a party.

10 USC 4331 note.

SEC. 1466. DESIGNATION OF THE COLONEL THOMAS HAWKINS JOHNSON VISITING SCHOLAR PROGRAM AND LECTURE SERIES

Establishment.

(a) Visiting Scholar Program.—(1) The Secretary of the Army shall establish a visiting scholar program at the United States Military Academy to be known as the "Thomas Hawkins Johnson Visiting Scholar Program". The Secretary shall select not more than two scholars to participate in the program for an academic year. A person selected to participate in the program shall serve as an instructor at the Academy for two weeks during the academic year and perform such duties as the Secretary may assign.

(2) There is authorized to be appropriated to the Secretary of the Army $25,000 for each fiscal year to carry out this subsection.

(b) Lecture Series.—(1) The Secretary of Defense shall establish a lecture series at the National Defense University to be known as the "Thomas Hawkins Johnson Lecture Series". The Secretary shall use the lecture series to bring prominent persons to the National Defense University to deliver lectures on topics relating to public policy, national security, and science.

(2) There is authorized to be appropriated to the Secretary of Defense $25,000 for each fiscal year to carry out this subsection.

SEC. 1467. STUDY OF COMMERCIAL AVIATION ACCESS TO CERTAIN RESTRICTED SPECIAL USE AIRSPACE

Aviation safety.

(a) Study Required.—The Secretary of Defense and the Secretary of Transportation shall conduct a joint study to determine the feasibility of permitting civilian commercial aircraft to have access to restricted special use airspace over the coastal waters of the mid-Atlantic region of the Eastern United States for the purpose of enhancing commercial aviation safety, improving air traffic control efficiency, and reducing the impact of aviation noise on populated areas.

Classified information.

(b) Report.—(1) The Secretaries shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a joint report containing the results of the study required by subsection (a), together with such comments and recommendations as the Secretaries consider appropriate. The report may be submitted in both classified and unclassified form.

(2) The Secretaries shall include in the report the following:

(A) A discussion of the current policy of the Department of Defense regarding civilian commercial access to restricted special use airspace.

(B) An accounting of civilian commercial aircraft access to such special use airspace during each of the years 1988 and 1989.

(C) A summary of requests received by the Department of Defense from the Federal Aviation Administration for increased access to the special use airspace referred to in subsection (a) and the disposition of those requests by the Department of Defense.

(D) Proposals for permitting increased access to such special use airspace, particularly during daylight hours, by civilian commercial aircraft.

(E) An analysis of the feasibility of providing such access.

(3) The report shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) Development of Procedures.—If the Secretaries determine, on the basis of the study under subsection (a), that additional access to the special use airspace described in that subsection can be permitted, consistent with the national security interests of the United States, the Secretary of Defense shall develop, in coordination with the Secretary of Transportation, procedures for providing such additional access for civilian commercial aircraft to such airspace.

SEC. 1468. CONSULTATION AND REPORT REQUIREMENTS RELATING TO RANCH HAND STUDY OF DEPARTMENT OF THE AIR FORCE

(a) Consultation with Advisory Committee.—The Ranch Hand Advisory Committee may consult directly with and provide informaion and recommendations directly to the Department of the Air Force scientists conducting the Ranch Hand Study, and such scientists may consult directly with and provide information and ecommendations directly to the Ranch Hand Advisory Committee. No officer or employee of the Federal Government may intervene in r impair direct communication between the Advisory Committee nd such scientists for purposes related to such study except as may be necessary to prevent inappropriate disclosure of classified information.

(b) ANNUAL REPORTS.—The Secretary of Defense shall revise the schedule of reports prepared by the Secretary pursuant to section 1205(c) of Public Law 100-687 (102 Stat. 4126) so as to provide for the preparation and submission of annual reports under that section, to be submitted not later than February 1 of each year, and to provide for the preparation and submission of a final report under that section.

(c) DEFINITIONS.—In this section:

(1) The term "Ranch Hand Advisory Committee" means the committee known as the "Advisory Committee on Special Studies Relating to the Possible Long-term Health Effects of Phenoxy Herbicides and Contaminants" established by the Secretary of Health and Human Services to monitor the conduct of the Ranch Hand Study.

(2) The term "Ranch Hand Study" means the special study conducted by the Secretary of the Air Force relating to the possible long-term effects of phenoxy herbicides and contaminants on Air Force personnel who participated in Operation Ranch Hand in the Republic of Vietnam during the Vietnam era.

SEC. 1469. ANNUAL PRESENTATION FOR CONGRESSIONAL DEFENSE LEADERSHIP ON UNITED STATES NATIONAL MILITARY STRATEGY

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should provide for an annual presentation to be given to the congressional defense leaders named in subsection (b) on the national military strategy of the United States. That presentation should particularly cover the theater and strategic nuclear components of the national military strategy and should include a discussion of (1) nuclear targeting policy and requirements, and (2) the implications of such nuclear targeting policy and requirements for (A) theater and strategic nuclear force structure and operations, and (B) defense resources and their allocation.

(b) DEFINITION.—The congressional defense leaders referred to in subsection (a) are—

(1) the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives; and

(2) the chairmen and ranking minority members of the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives.

PART G—CONGRESSIONAL FINDINGS, POLICIES, AND COMMENDATIONS

SEC. 1471. COMMEMORATION OF THE EFFORTS OF THE BATTLE OF THE BULGE HISTORICAL FOUNDATION

(a) FINDINGS.—Congress makes the following findings:

(1) The Battle of the Ardennes-Alsace Campaign of World War II, commonly known as the Battle of the Bulge, was fought in the Ardennes region of eastern Belgium and northern Luxembourg, from December 16, 1944, to January 25, 1945, in the deepest snow and during the coldest temperatures in the memory of the inhabitants of the region.

(2) 600,000 members of the Armed Forces of the United States fought in the Battle of the Bulge, making the battle the largest land battle ever fought by United States military forces.

(3) The battle claimed 81,000 United States casualties, including 19,000 killed.

(4) In 1988, many of the veterans of the battle, including the 7,000 member organization known as the Veterans of the Battle of the Bulge, organized the Battle of the Bulge Historical Foundation to commemorate the heroic sacrifices made by the United States servicemembers who saw action during the Battle of the Bulge, to pay homage to the servicemen killed in that battle, and to inform the present and future youth of this Nation regarding the costs of war and the price of liberty.

(5) The efforts of the foundation are directed toward expanding the existing United States Army Museum, located at Fort George G. Meade, Maryland, to include a gallery dedicated to the Battle of the Bulge, the participants in that battle, and World War II generally.

(6) The Museum and the foundation have agreed to act jointly to achieve goals relating to the commemoration of the Battle of the Bulge.

(7) Installation of a gallery at the museum devoted to the Battle of the Bulge will result in the museum having the only gallery in the United States devoted exclusively to commemorating that battle.

(8) The Battle of the Bulge Historical Foundation has set a goal of raising $1,500,000 by December 16, 1994, the 50th anniversary of the battle, to accomplish the objective of appropriately preserving the memory of the battle.

(b) Recognition and Commendation.—In light of the findings in subsection (a), Congress recognizes and commends the efforts of the Battle of the Bulge Historical Foundation to provide for the installation of a special gallery at the United States Army Museum at Fort George G. Meade, Maryland, devoted to the collection, preservation, and exhibition of military artifacts relating to the Battle of the Bulge and to commemorate that historic battle.

SEC. 1472. COMMENDATION OF UNITED STATES MILITARY PERSONNEL FOR PHILIPPINE EARTHQUAKE RELIEF EFFORT

(a) Findings.—Congress makes the following findings:

(1) The members of the United States Air Force, Marine Corps, and Navy serving in the Pacific region have given substantial and significant assistance to the Government and people of the Republic of the Philippines following a severe earthquake on July 16, 1990, in the Philippines which resulted in the deaths of over 1,600 people and severe dislocation and devastation.

(2) United States military personnel stationed in the Philippines have traditionally exhibited a strong respect and admiration for the people of the Philippines.

(3) A Marine Corps pilot was killed in a helicopter crash during an earthquake relief mission on July 20, 1990.

(4) The United States Air Force has flown over 220 sorties, including medical evacuations, to assist in earthquake relief.

(5) The Marine Corps has flown over 250 aircraft missions and has transported via helicopter over 1,000 Philippine nationals and more than 500,000 pounds of cargo.

(6) Navy medical personnel from the Subic Bay naval facility have provided critical medical assistance to those injured in the earthquake.

(7) More than 1,140 tons of supplies and equipment have been airlifted to the Philippines or transported over land to Baguio City and Cabanatuan City, areas devastated by the earthquake.

(8) Military civil engineering teams have restored more than half the damaged water systems and all of the electrical systems and have provided heavy equipment to aid in rescue operations.

(9) 650 units of blood were donated by personnel of Clark Air Force Base and other Pacific Air Force bases and 120 units of blood were donated by personnel of the Subic Bay Naval Facility.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the earthquake relief assistance provided by United States military forces has played an essential role in the Philippine recovery from the July 16, 1990, earthquake; and

(2) that those members of the United States Armed Forces and their dependents who have assisted in Philippine earthquake relief should be commended by Congress for their considerable efforts on behalf of the Philippine people in their recovery efforts.

PART H—CODIFICATION OF CERTAIN PROVISIONS OF LAW AND TECHNICAL AMENDMENTS

SEC. 1481. RESTATEMENT IN TITLE 10, UNITED STATES CODE, OF SELECTED PERMANENT LAW PROVISIONS

(a) CREDITING OF CERTAIN RECEIPTS FROM FOREIGN MILITARY SALES.—(1) Section 114(c) of title 10, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), amounts received by the United States pursuant to subparagraph (A) of section 21(a)(1) of that Act (22 U.S.C. 2761(a)(1))—

"(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of that Act (22 U.S.C. 2795 et seq.), as authorized by section 51(b)(1) of that Act (22 U.S.C. 2795(b)(1)), but subject to the limitation in paragraph (1) and other applicable law; and

"(B) to the extent not so credited, shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31.".

Repeal.
10 USC 114 note.

(2) Section 9017 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(b) AUTHORITY TO PROCURE SERVICES OF EXPERTS AND CONSULTANTS.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129a (as added by section 1483(b)) the following new section:

"§ 129b. Experts and consultants: authority to procure services

"(a) AUTHORITY.—Subject to subsection (b), the Secretary of Defense and the Secretaries of the military departments may—

"(1) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with section 3109 of title 5; and

"(2) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence while such individuals are traveling from their homes or places of business to official duty stations and return as may be authorized by law.

"(b) CONDITIONS.—The services of experts or consultants (or organizations thereof) may be procured under subsection (a) only if the Secretary of Defense or the Secretary of the military department concerned, as the case may be, determines that—

"(1) the procurement of such services is advantageous to the United States; and

"(2) such services cannot adequately be provided by the Department of Defense.

"(c) REGULATIONS.—Procurement of the services of experts and consultants (or organizations thereof) under subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129a (as added by section 1483(b)) the following new item:

"129b. Experts and consultants: authority to procure services of.".

Repeal.
10 USC 2241 note.

(3) Section 9002 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(c) MILITARY RELOCATION ASSISTANCE PROGRAMS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end a new section 1056 consisting of—

(A) a heading as follows:

"§ 1056. Relocation assistance programs";

and

103 Stat. 1463.

(B) a text consisting of the text of subsections (a) through (g) of section 661 of the National Defense Authorization Act of Fiscal Years 1990 and 1991 (Public Law 101-189), revised—

(i) by replacing "Not later than October 1, 1990, the Secretary of Defense shall establish" at the beginning of subsection (a) with "The Secretary of Defense shall carry out"; and

(ii) by replacing "Armed Forces" each place it appears with "armed forces".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1056. Relocation assistance programs.".

(3) Section 661 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1463) is repealed.

10 USC 113 note.

10 USC 1056 note.

(4) The program required to be carried out by section 1056 of title 10, United States Code, as added by paragraph (1), shall be established by the Secretary of Defense not later than October 1, 1990. The Secretary shall prescribe regulations to implement that section not later than July 1, 1990.

Regulations.

(d) CIVILIAN PERSONNEL ADMINISTRATION.—(1) Section 1584 of title 10, United States Code, is amended—

(A) by inserting "(a) WAIVER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN PERSONNEL.—" before "Laws prohibiting"; and

(B) by adding at the end the following:

"(b) NOTICE TO CONGRESS OF CERTAIN SALARY INCREASES.—The Secretary of Defense shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives when any salary increase granted to direct and indirect hire foreign national employees of the Department of Defense overseas, stated as a percentage, is greater than the higher of the following percentages:

"(1) The percentage pay increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5.

"(2) The percentage increase provided to national government employees of the host nation.".

(2) The heading of such section is amended to read as follows:

"§ 1584. Employment of non-citizens".

(3) Section 1593 of such title is amended by adding at the end the following new subsection:

"(d) USE OF APPROPRIATED FUNDS FOR ALLOWANCE.—Amounts appropriated annually to the Department of Defense for the pay of civilian employees may be used for uniforms, or for allowance for uniforms, as authorized by this section and section 5901 of title 5.".

Repeal.

(4)(A) Section 8114 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 10 U.S.C. 1584 note), is repealed.

Repeal.
10 USC 1593 note.

(B) Section 9010 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding after section 2244 (as added by section 904) the following new section:

"§ 2245. Use of aircraft for proficiency flying: limitation

Regulations.

"(a) An aircraft under the jurisdiction of a military department may not be used by a member of the armed forces for the purpose of proficiency flying except in accordance with regulations prescribed by the Secretary of Defense.

"(b) Such regulations—

"(1) may not require proficiency flying by a member except to the extent required for the member to maintain flying proficiency in anticipation of the member's assignment to combat operations; and

"(2) may not permit proficiency flying in the case of a member who is assigned to a course of instruction of 90 days or more.

"(c) In this section, the term 'proficiency flying' has the meaning given that term in Department of Defense Directive 1340.4.".

(2) The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2244, as added by section 1036, the following new item:

"2245. Use of aircraft for proficiency flying: limitation.".

Repeal.
10 USC 2241 note.

(3) Section 9006 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(f) REIMBURSEMENT REQUIRED FOR PROVISION OF MEDICAL CARE TO FOREIGN MILITARY AND DIPLOMATIC PERSONNEL.—(1) Chapter 151 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2549. Provision of medical care to foreign military and diplomatic personnel: reimbursement required; waiver for provision of reciprocal services

"(a) REIMBURSEMENT REQUIRED.—Except as provided in subsection (b), whenever the Secretary of Defense provides medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents, the Secretary shall require that the United States be reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which charges were made for the provision of such care.

"(b) WAIVER WHEN RECIPROCAL SERVICES PROVIDED UNITED STATES MILITARY PERSONNEL.—Notwithstanding subsection (a), the Secretary of Defense may provide inpatient medical care in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel and their dependents in that foreign country.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2549. Provision of medical care to foreign military and diplomatic personnel: reimbursement required; waiver for provision of reciprocal services.".

(3) Section 9020 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

Repeal.
10 USC 2241 note.

(g) LIMITATION ON LEASING OF AIRCRAFT AND VEHICLES TO NON-FEDERAL AGENCIES.—(1) Chapter 151 of title 10, United States Code, as amended by subsection (f), is further amended by adding at the end the following new section:

"§ 2550. Aircraft and vehicles: limitation on leasing to non-Federal agencies

"The Secretary of Defense (or Secretary of a military department) may not lease to a non-Federal agency in the United States any aircraft or vehicle owned or operated by the Department of Defense if suitable aircraft or vehicles are commercially available in the private sector. However, nothing in the preceding sentence shall affect authorized and established procedures for the sale of surplus aircraft or vehicles.".

(2) The table of sections at the beginning of such chapter, as amended by subsection (f), is further amended by adding at the end the following new item:

"2550. Aircraft and vehicles: limitation on leasing to non-Federal agencies.".

(3) Section 2550 of title 10, United States Code, as added by paragraph (1), does not prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 765).

(4) Section 9025 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

10 USC 2241 note.

(h) Administration of Real Property.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2677 the following new section:

"§ 2678. Feral horses and burros: removal from military installations

"When feral horses or burros are found on an installation under the jurisdiction of the Secretary of a military department, the Secretary may use helicopters and motorized equipment for their removal.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2677 the following new item:

"2678. Feral horses and burros: removal from military installations.".

Repeal. 10 USC 2241 note.

(3) Section 9030 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(i) Environmental Restoration.—(1) Section 2701 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(f) Use of Appropriated Funds at Former DOD Sites.—Appropriations available to the Department of Defense may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense.

"(g) Removal of Unsafe Buildings and Debris Before Release From Federal Control.—In the case of property formerly used by the Department of Defense which is to be released from Federal Government control and at which there are unsafe buildings or debris of the Department of Defense, all actions necessary to comply with regulations of the General Services Administration on the transfer of property in a safe condition shall be completed before the property is released from Federal Government control, except in the case of property to be conveyed to an entity of State or local government or to a native corporation.".

Repeal. 10 USC 2701 note.

(2) Section 9038 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(j) Funds Available for Payment of Claims.—(1) Chapter 163 of title 10, United States Code, is amended by inserting after section 2731 the following new section:

"§ 2732. Payment of claims: availability of appropriations

"Appropriations available to the Department of Defense for operation and maintenance may be used for payment of claims authorized by law to be paid by the Department of Defense (except for civil functions), including—

"(1) claims for damages arising under training contracts with carriers; and

"(2) repayment of amounts determined by the Secretary concerned to have been erroneously collected—

"(A) from military and civilian personnel of the Department of Defense; or

"(B) from States or territories or the District of Columbia (or members of the National Guard units thereof).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2731 the following new item:

"2732. Payment of claims: availability of appropriations.".

(3) Section 8098 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 10 U.S.C. 2241 note), is repealed. Repeal.

(4)(A) Section 2734(h) of title 10, United States Code, is amended by striking out "available to the" and all that follows and inserting in lieu thereof the following: "as provided in section 2732 of this title.".

(B) Section 2734a of such title is amended—

(i) in subsection (c), by striking out "for that purpose" and inserting in lieu thereof "as provided in section 2732 of this title"; and

(ii) in subsection (d), by striking out "the appropriation for claims of the Department of Defense" and inserting in lieu thereof "appropriations as provided in section 2732 of this title".

(C) Section 2734b(d) of such title is amended by striking out "for that purpose" and inserting in lieu thereof the following: "as provided in section 2732 of this title".

(k) LEGISLATIVE CONSTRUCTION.—(1) A reference to a law replaced by the provisions of title 10, United States Code, enacted by this section (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this section. 10 USC note prec. 101.

(2) A regulation, rule, or order in effect under a law replaced by the provisions of title 10, United States Code, enacted by this section shall continue in effect under the corresponding provision enacted by this title until repealed, amended, or superseded.

(3) An action taken or an offense committed under a law replaced y the provisions of title 10, United States Code, enacted by this ection shall be treated as having been taken or committed under he corresponding provision enacted by this title.

EC. 1482. CODIFICATION OF CERTAIN RECURRING PROVISIONS OF ANNUAL DEFENSE APPROPRIATIONS ACTS

(a) NOTICE OF INITIATION OF SPECIAL ACCESS PROGRAMS.—Section 19 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) A special access program may not be initiated until—

"(1) the defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.".

(b) EMPLOYMENT OF ALIENS.—Section 1584 of title 10, United tates Code, is amended by striking out "any expert" and all that llows through "that department" and inserting in lieu thereof personnel of the Department of Defense".

(c) PROCEDURE FOR TRANSFER OF APPROPRIATIONS.—(1) Chapter 131 f such title is amended by inserting after section 2212 the following ew section:

2214. Transfer of funds: procedure and limitations

"(a) PROCEDURE FOR TRANSFER OF FUNDS.—Whenever authority is rovided in an appropriation Act to transfer amounts in working pital funds or to transfer amounts provided in appropriation Acts r military functions of the Department of Defense (other than ilitary construction) between such funds or appropriations (or any bdivision thereof), amounts transferred under such authority shall be merged with and be available for the same purposes and for the same time period as the fund or appropriations to which transferred.

"(b) LIMITATIONS ON PROGRAMS FOR WHICH AUTHORITY MAY BE USED.—Such authority to transfer amounts—

"(1) may not be used except to provide funds for a higher priority item, based on unforeseen military requirements, than the items for which the funds were originally appropriated; and

"(2) may not be used if the item to which the funds would be transferred is an item for which Congress has denied funds.

"(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify the Congress of each transfer made under such authority to transfer amounts.

"(d) LIMITATIONS ON REQUESTS TO CONGRESS FOR REPROGRAMMINGS.—Neither the Secretary of Defense nor the Secretary of a military department may prepare or present to the Congress, or to any committee of either House of the Congress, a request with respect to a reprogramming of funds—

"(1) unless the funds to be transferred are to be used for a higher priority item, based on unforeseen military requirements, than the item for which the funds were originally appropriated; or

"(2) if the request would be for authority to reprogram amounts to an item for which the Congress has denied funds.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2212 the following new item:

"2214. Transfer of funds: procedure and limitations.".

10 USC 119 note

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1991.

SEC. 1483. RESTATEMENT OF LAW RELATING TO ANNUAL PERSONNEL STRENGTH AUTHORIZATIONS, ANNUAL MANPOWER REQUIREMENTS REPORTS, AND ANNUAL NATIONAL GUARD AND RESERVE COMPONENT PROCUREMENT REPORT

(a) RESTATEMENT OF CURRENT LAW.—Chapter 2 of title 10, United States Code, is amended by striking out section 115 and inserting in lieu thereof the following:

"§ 115. Personnel strengths: requirement for annual authorization

"(a) Congress shall authorize personnel strength levels for each fiscal year for each of the following:

"(1) The end strength for each of the armed forces (other than the Coast Guard) for (A) active-duty personnel who are to be paid from funds appropriated for active-duty personnel, and (B) active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

"(2) The end strength for the Selected Reserve of each reserve component of the armed forces.

"(3) The average military training student loads for each of the armed forces (other than the Coast Guard).

"(4) The end strength for civilian personnel for each component of the Department of Defense.

"(b) No funds may be appropriated for any fiscal year to or for—

"(1) the use of active-duty personnel or full-time National Guard duty personnel of any of the armed forces (other than the Coast Guard) unless the end strength for such personnel of that armed force for that fiscal year has been authorized by law;

"(2) the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law;

"(3) training military personnel in the training categories described in subsection (f) of any of the armed forces (other than the Coast Guard) unless the average student load of that armed force for that fiscal year has been authorized by law; or

"(4) the use of the civilian personnel of any component of the Department of Defense unless the end strength for civilian personnel of that component for that fiscal year has been authorized by law.

"(c) Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may—

"(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by a number equal to not more than 0.5 percent of that end strength; and

"(2) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength.

"(d) In counting active-duty personnel for the purpose of the end-strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

"(1) Members of the Ready Reserve ordered to active duty under section 673 of this title.

"(2) Members of the Selected Reserve of the Ready Reserve ordered to active duty under section 673b of this title.

"(3) Members of the National Guard called into Federal service under section 3500 or 8500 of this title.

"(4) Members of the militia called into Federal service under chapter 15 of this title.

"(5) Members of reserve components on active duty for training.

"(6) Members of reserve components on active duty for 180 days or less to perform special work.

"(7) Members on full-time National Guard duty for 180 days or less.

"(e) The authorized strength of the Navy under subsection (a)(1) is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

"(f) Authorization under subsection (a)(3) is not required for unit or crew training student loads, but is required for student loads for the following individual training categories:

"(1) Recruit and specialized training.

"(2) Flight training.

"(3) Professional training in military and civilian institutions.

"(4) Officer acquisition training.

"§ 115a. Annual manpower requirements report

"(a) The Secretary of Defense shall submit to Congress, not later than February 15 of each fiscal year, an annual manpower requirements report. The report shall be in writing and shall contain the Secretary's recommendations for—

"(1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and

"(2) the annual civilian personnel end-strength level for each component of the Department of Defense for the next fiscal year.

"(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

"(2) The justification and explanation shall specify in detail for all major military force units (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the following:

"(A) Unit mission and capability.

"(B) Strategy which the unit supports.

"(C) Area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

"(3) The justification and explanation shall also specify in detail the manpower required to perform the medical missions of each of the armed forces and of the Department of Defense.

"(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the following:

"(1) The manpower required for support and overhead functions within the armed forces and the Department of Defense.

"(2) The relationship of the manpower required for support and overhead functions to the primary combat missions and support policies.

"(3) The manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

"(d) In each such report, the Secretary shall also—

"(1) identify, define, and group by mission and by region the types of military bases, installations, and facilities;

"(2) provide an explanation and justification of the relationship between this base structure and the proposed military force structure; and

"(3) a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce those costs.

"(e) The Secretary shall also include in each such report, with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

"(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

"(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

"(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

"(A) retirements displayed by year of active commissioned service;

"(B) discharges;

"(C) other separations;

"(D) deaths;

"(E) promotions; and

"(F) reserve and regular officers ordered to active duty.

"(4) An analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

"(A) Regular officers.

"(B) Reserve officers on the active-duty list.

"(C) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

"(D) Officers other than those specified in subparagraphs (A), (B), and (C) serving in a temporary grade.

"(5) An analysis of the number of officers and enlisted members serving on active duty for training as of the last day of the preceding fiscal year under orders specifying an aggregate period in excess of 180 days and an estimate for the current fiscal year of the number that will be ordered to such duty, tabulated by—

"(A) recruit and specialized training;

"(B) flight training;

"(C) professional training in military and civilian institutions; and

"(D) officer acquisition training.

"(f) In each such report, the Secretary shall also include recommendations for the average student load for each category of training for each component of the armed forces for the next three fiscal years. The Secretary shall include in the report justification for, and explanation of, the average student loads recommended.

"(g)(1) In each such report, the Secretary shall also include recommendations for the end-strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

"(2) For purposes of this subsection, the term 'medical personnel' includes—

"(A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

"(B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;

"(C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;

"(D) enlisted members engaged in or supporting medically related activities; and

"(E) such other personnel as the Secretary considers appropriate.

"§ 115b. Annual report on National Guard and reserve co
equipment

"(a) The Secretary of Defense shall submit to the Congr
year, not later than February 15, a written report concer
equipment of the National Guard and the reserve componen
armed forces for each of the three succeeding fiscal years.

"(b) Each report under this section shall include the fo

"(1) Recommendations as to the type and quantity
major item of equipment which should be in the inve
the Selected Reserve of the Ready Reserve of each
component of the armed forces.

"(2) A statement of the quantity and average age of e
of major item of equipment which is expected to be p
available in the inventory of the Selected Reserve of th
Reserve of each reserve component as of the beginning
fiscal year covered by the report.

"(3) A statement of the quantity and cost of each
major item of equipment which is expected to be proc
the Selective Reserve of the Ready Reserve of each
component from commercial sources or to be transferred
such Selected Reserve from the active-duty component
armed forces.

"(4) A statement of the quantity of each type of major
equipment which is expected to be retired, decommi
transferred, or otherwise removed from the physical in
of the Selected Reserve of the Ready Reserve of each
component and the plans for replacement of that equ

"(5) A listing of each major item of equipment require
Selected Reserve of the Ready Reserve of each reserve
nent indicating—

"(A) the full war-time requirement of that compo
that item, shown in accordance with deployment sc
and requirements over successive 30-day periods fo
mobilization;

"(B) the number of each such item in the inventor
component;

"(C) a separate listing of each such item in the in
that is a deployable item and is not the most desire

"(D) the number of each such item projected to be
inventory at the end of the third succeeding fiscal ye

"(E) the number of nondeployable items in the in
as a substitute for a required major item of equi

"(6) A narrative explanation of the plan of the Se
concerned to provide equipment needed to fill the w
requirement for each major item of equipment to all units
Selected Reserve, including an explanation of the plan to
units of the Selected Reserve that are short of major it
equipment at the outset of war.

"(7) For each item of major equipment reported unde
graph (3) in a report for one of the three previous years
this section as an item expected to be procured for the S
Reserve or to be transferred to the Selected Reserve, the
tity of such equipment actually procured for or transfe
the Selected Reserve.

"(c) Each report under this section shall be expressed in th
format and with the same level of detail as the informatio

sented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense.".

(b) FURTHER RESTATEMENTS OF EXISTING LAW.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123 the following new section:

"§ 123a. Suspension of end-strength limitations in time of war or national emergency

"If at the end of any fiscal year there is in effect a war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the armed forces or of the Department of Defense. Any such deferral may not extend beyond November 30 of the following fiscal year.".

(2) Such chapter is further amended by inserting after section 129 the following new section:

"§129a. General personnel policy

"The Secretary of Defense shall use the least costly form of personnel consistent with military requirements and other needs of the Department. In developing the annual personnel authorization requests to Congress and in carrying out personnel policies, the Secretary shall—

"(1) consider particularly the advantages of converting from one form of personnel (military, civilian, or private contract) to another for the performance of a specified job; and

"(2) include in each manpower requirements report submitted under section 115a of this title a complete justification for converting from one form of personnel to another.".

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by striking out the item relating to section 115 and inserting in lieu thereof the following new items:

"115. Personnel strengths: requirement for annual authorization.
"115a. Annual manpower requirements report.
"115b. Annual report on National Guard and reserve component equipment.".

(2) The table of sections at the beginning of chapter 3 of such title is amended—

(A) by inserting after the item relating to section 123 the following new item:

"123a. Suspension of end-strength limitations in time of war or national emergency."; and

(B) by inserting after the item relating to section 129 the following new item:

"129a. General personnel policy.".

SEC. 1484. TECHNICAL AND CLERICAL AMENDMENTS

(a) DUPLICATE SECTION NUMBERS.—The second section 1592 of title 10, United States Code (added by section 501(a) of Public Law 101-193), is redesignated as section 1596, and the item relating to that section in the table of sections at the beginning of chapter 81 of such title is revised to reflect such redesignation.

(b) OBSOLETE PROVISIONS.—

(1) Section 130 of title 10, United States Code, is amended—

(A) by striking out "(1) Within" in subsection (b) and all that follows through "Such regulations" the first place it appears and inserting in lieu thereof "Regulations under this section"; and

(B) by striking out "(2) In this" and inserting in lieu thereof "(c) In this".

(2)(A) Section 2117 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 104 of such title is amended by striking out the item relating to section 2117.

(3) Section 2382(d) of such title is amended by striking out "United States Court of Claims" and inserting in lieu thereof "United States Claims Court".

(4) Section 7307(b) of such title is amended—

(A) in paragraph (1)—

(i) by striking out "After August 5, 1974, no" and inserting in lieu thereof "A";

(ii) by inserting "not" after "may"; and

(iii) by striking out "disposition thereof has been approved by law enacted after such date" and inserting in lieu thereof "disposition of that vessel is approved by law enacted after August 5, 1974"; and

(B) in paragraph (2), by striking out "After August 5, 1974, any" and inserting in lieu thereof "A".

(c) CONFORMING AMENDMENTS TO PRIOR REPEALS.—

(1) Section 303a of title 37, United States Code, is amended by striking out "303, and 311" in subsections (a) and (c) and inserting in lieu thereof "and 303".

(2) Section 801 of such title is amended by striking out "(b)" before "Payment may not be made".

(d) DATE OF ENACTMENT REFERENCES.—

(1) Section 2130a of title 10, United States Code, is amended—

(A) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (a)(1) and inserting in lieu thereof "November 29, 1989,"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (d)(3) and inserting in lieu thereof "November 29, 1989".

(2) Section 302d of title 37, United States Code, is amended—

(A) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (a)(1) and inserting in lieu thereof "November 29, 1989,"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (d)(4) and inserting in lieu thereof "November 29, 1989".

(3) Section 302e of title 37, United States Code, is amended—

(A) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (a) and inserting in lieu thereof "November 29, 1989,"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (e)(3) and inserting in lieu thereof "November 29, 1989".

(4) Section 559(a)(1) of title 37, United States Code, is amended by striking out "the date of the enactment of the Victims of Terrorism Compensation Act" and inserting in lieu thereof "August 27, 1986".

(e) U.S.C. CITATIONS.—

(1) Section 430(b) of title 37, United States Code, is amended by inserting "(20 U.S.C. 921 et seq.)" after "Defense Dependents' Education Act of 1978".

(2) Section 559(c)(2) of such title is amended by inserting "(5 U.S.C. 5569 note)" after "Victims of Terrorism Compensation Act".

(f) AMENDMENTS FOR STYLISTIC CONSISTENCY.—

(1) The heading of each chapter of title 37, United States Code, is revised so as to appear in all capital letters.

(2) Section 2382(e) of title 10, United States Code, is amended by striking out "issued" and inserting in lieu thereof "prescribed".

(3) Section 2431(b) of such title, as redesignated by section 1301(13), is amended by striking out "covered. and specifically include, but not be limited to—" in the matter preceding paragraph (1) and inserting in lieu thereof "covered and shall specifically include—".

(4) Section 2432(c)(3) of such title, as amended by section 1407(a), is amended—

(A) by striking out "include—" in the matter preceding subparagraph (A) and inserting in lieu thereof "include the following:";

(B) by capitalizing the first letter of the first word of each of subparagraphs (B) and (C);

(C) by striking out "; and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(D) in subparagraph (C)—

(i) by striking out "program)—" in the matter preceding clause (i) and inserting in lieu thereof "program) the following:";

(ii) by capitalizing the first letter of the first word of each of clauses (i) through (vii);

(iii) by striking out the semicolon at the end of each of clauses (i) through (v) and inserting in lieu thereof a period; and

(iv) by striking out "; and" at the end of clause (vi) and inserting in lieu thereof a period.

(g) DEFINITIONS.—

(1) Section 1079(j)(2)(B) of title 10, United States Code, is amended by inserting "the term" after "In subparagraph (A),".

(2) Section 2382(a)(3) of such title is amended by inserting "the term" after "In this subsection,".

(h) CROSS REFERENCE CORRECTIONS.—

(1) Section 1098(a) of title 10, United States Code, is amended by striking out "subsections (b) and (c)" and inserting in lieu thereof "subsection (b)".

(2) Section 2330(b)(1) of such title is amended by striking out "section 114(g)" and inserting in lieu thereof "section 114a".

(3) Section 2382(a)(3) of such title is amended by striking out "subsection (a)" and inserting in lieu thereof "paragraph (1)".

(4) Section 2436(d)(3) of such title is amended by striking
"section 2320(a)(4)" and inserting in lieu thereof "sec
2302(6)".

(5) Effective as of November 29, 1989, section 433(a) of titl
United States Code, is amended by striking out "section 69
title 10" and inserting in lieu thereof "section 687 of title

(6) Section 1013 of title 37, United States Code, is amende
striking out "or 1095" and inserting in lieu thereof "or 109

10 USC 2366. (7) Section 804(a) of Public Law 101-189 is amended by s
ing out "(as amended by section 842)" and inserting in
thereof "(as amended by section 802(c))".

103 Stat. 1567. (8) Section 1213(b)(3) of Public Law 101-189 is amende
inserting "of title 10" after "chapter 18".

(i) HEADINGS, TABLES OF SECTIONS, ETC.—

(1) The table of sections at the beginning of subchapter I
chapter 47 of title 10, United States Code, is amende
inserting after the item relating to section 867 (article 67)
following new item:

"867a. Art. 67a. Review by the Supreme Court."

(2) The second subchapter XI of chapter 47 of such titl
added by section 1301(c) of Public Law 101-189) is redesign
as subchapter XII.

(3)(A) The heading of section 2004 of title 10, United St
Code, is amended by striking out "**of the military departme**

(B) The item relating to such section in the table of sectio
the beginning of chapter 101 of such title is revised to con
to the amendment made by subparagraph (A).

(4)(A) The heading of section 2007 of title 10, United St
Code, is amended by striking out the first two words
capitalizing the first letter of the third word.

(B) The item relating to that section in the table of sectio
the beginning of chapter 101 of such title is revised to con
to the amendments made by subparagraph (A).

(5) The item relating to section 2185 in the table of sectio
the beginning of chapter 110 of title 10, United States Cod
amended by inserting "administered by" after "progams".

(6) The table of sections at the beginning of chapter 13
such title is amended by striking out the item relating to sec
2213.

(7) The table of subchapters at the beginning of chapter 1
such title is amended by inserting "Sec." above "2341".

(8) The table of sections at the beginning of chapter 14
such title is amended by striking out the item relating to sec
2407.

(9) The table in section 406(b)(1)(C) of title 37, United St
Code, is amended by inserting a period at the end of footno

(j) Department of Veterans Affairs References.—

(1) Section 1074(b) of title 10, United States Code, is ame
by striking out "Administrator" and inserting in lieu the
"Secretary of Veterans Affairs".

(2) Section 2006(d) of such title is amended by striking
"Administrator" in the first sentence and inserting in
thereof "Secretary of Veterans Affairs".

(3) Section 2136(a) of such title is amended by striking
"Veterans' Administration" both places it appears and in
ing in lieu thereof "Department of Veterans Affairs".

(4) Section 6160(c) of such title is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(k) MISCELLANEOUS TITLE 10 AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(1) Section 138(a)(2) is amended—

(A) by striking out "(A)" and all that follows through "and evaluation" and inserting in lieu thereof "(A) The term 'operational test and evaluation"; and

(B) by striking out "(B)" and all that follows through "program" the first place it appears and inserting in lieu thereof "(B) The term 'major defense acquisition program".

(2) Section 513 is amended by striking out "paragraph (1)" in subsections (b) and (c) and inserting in lieu thereof "subsection (a)".

(3) Section 653 is amended—

(A) in subsection (a), by striking out "and" and inserting in lieu thereof "or"; and

(B) in subsection (c)—

(i) by inserting a comma after "training" the first place it appears in paragraphs (1) and (2); and

(ii) by inserting a comma after "naval flight officer" the first place it appears in paragraph (3).

(4) Section 978(c)(3) is amended by striking out "a" after "paragraph (1), or".

(5) Section 1460a(a) (as added effective on October 1, 1991) is amended by striking out "section" and inserting in lieu thereof "sections".

(6) Section 1594(d) is amended by striking out "in this section" and inserting in lieu thereof "In this section".

(7) Section 2121(c) is amended by striking out "sections" in the third sentence and inserting in lieu thereof "section".

(8) Section 2350f(d)(1)(A) is amended by striking out ", or" at the end and inserting in lieu thereof a semicolon.

(9) Section 2371(f) is amended by striking out "Committees of" and inserting in lieu thereof "Committees on".

(10) Section 2433(c) is amended by striking out "the" each place it appears before "such service acquisition executive".

(11) Section 2435(b)(1) is amended by striking out the closing parenthesis after "service acquisition executive designated by such Secretary".

(l) OTHER LAWS.—

(1) Section 638(a) of Public Law 100-180 (10 U.S.C. 113 note) is amended by striking out "under 18 years of age".

(2) Section 523 of Public Law 100-456 (32 U.S.C. 709 note) is amended in subsection (a) by striking out the second comma after "at the technician's option".

(3) Section 503(b)(3) of Public Law 101-189 (103 Stat. 1437) is amended by inserting "section" after "appointment under". 10 USC 3380 note.

(4) Title XIV of Public Law 101-189 (103 Stat. 1577 et seq.) is amended as follows:

(A) Section 1404(a)(2) is amended by striking out "Spouse Coverage for Survivor Benefit Plan Participants" in the matter to be inserted (effective on October 1, 1991) by the amendment made by that section and inserting in lieu thereof "Survivor Benefit Plan".

10 USC 1448 note.
(B) Section 1405(a)(2) is amended by stri
“COVERGE” and inserting in lieu thereof “COVERAG
(C) Effective as of November 29, 1989, section
amended—

10 USC 1447.
(i) by striking out “both places” in paragra
and inserting in lieu thereof “each place”; and

10 USC 1452.
(ii) by inserting “the second place it ap
paragraph (9)(B) before “and inserting”.

10 USC 1601.
(5) Section 506(c)(3) of Public Law 101-194 is ame
striking out subparagraph (B) and inserting in lieu th
following:

“(B) by striking out the period at the end of paragra
inserting in lieu thereof ‘; and’; and”.

41 USC 423.
(6) The last subparagraph of section 27(f)(3) of the
Federal Procurement Policy Act is amended by stri
“(D)” and inserting in lieu thereof “(F)”.

31 USC 5111 note.

PART I—CONGRESSIONAL MEDALS

SEC. 1491. CONGRESSIONAL GOLD MEDAL FOR MATTHEW B.

(a) FINDINGS.—The Congress finds that—

(1) General Matthew B. Ridgway, United States A
tired), served his country with great honor and distin
more than 40 years;

(2) during World War II, General Ridgway comma
82nd Airborne Division and later the XVIII Airborn
leading his soldiers in some of the most difficult fighti
European theater to achieve Allied victories in Nort
Sicily, Italy, the Normandy invasion, the Battle of th
the Ruhr Pocket, and the crossing of the Rhine and Elb

(3) in Korea, during the depths of the bitter winter
General Ridgway took command of the seriously de
Eighth Army, motivated and inspired it to “Stand and
and led it on the offensive again;

(4) under his leadership, the military forces of the
Nations Command in Korea recaptured territory that
lost earlier to overwhelming enemy forces and forced t
of armistice negotiations; and

(5) after his commands in the Korean war, General
continued his outstanding service to his country by se
the positions of Supreme Commander of Allied Po
Europe and Chief of Staff of the United States Army.

(b) PRESENTATION AUTHORIZED.—The President is autho
present, on behalf of the Congress, to General Matthew B.
United States Army (Retired) a gold medal of appropriate d
recognition of his distinguished service to the Nation.

(c) DESIGN AND STRIKING.—For purposes of the presenta
ferred to in subsection (b), the Secretary of the Treasury sha
a gold medal with suitable emblems, devices, and inscriptio
determined by the Secretary.

(d) AUTHORIZATION OF APPROPRIATION.—There is authoriz
appropriated an amount not to exceed $25,000 to carry
section.

(e) DUPLICATE MEDALS.—(1) The Secretary of the Treas
strike and sell duplicates in bronze of the gold medal struc
ant to subsection (c) under such regulations as the Secret

prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) The appropriation used to carry out subsection (c) shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 1492. CONGRESSIONAL MEDAL FOR VETERANS OF THE ATTACK ON PEARL HARBOR

(a) PURPOSE.—It is the purpose of this section—

(1) to commemorate the sacrifices made and service rendered to the United States by those veterans of the Armed Forces of the United States who defended Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941; and

(2) to honor those veterans on the fiftieth anniversary of that attack.

(b) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to persons certified by the Secretary of Defense pursuant to subsection (e) a bronze medal 1½ inches in diameter commemorating the service of those persons to the United States. The presentation shall be made as close as feasible to the fiftieth anniversary of the attack on Pearl Harbor. The medal may be accepted by the next of kin of any such person who was killed in action during that attack or who has since died.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike the medal authorized by paragraph (1) in bronze with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

(d) ELIGIBILITY REQUIREMENTS.—(1) To be eligible to be presented the medal referred to in subsection (b), a person must have been a member of the Armed Forces of the United States who was present in Hawaii on December 7, 1941, and who participated in combat operations that day against Japanese military forces attacking Hawaii. A person who was killed or wounded in that attack shall be deemed to have participated in the combat operations.

(2) To establish the eligibility required by paragraph (1), a person must present to the Secretary of Defense an application with such supporting documentation as the person may have to support such person's eligibility or the eligibility of a next of kin. The Secretary of Defense shall determine, through the documentation provided and, if necessary, independent investigation whether the person meets the criteria prescribed in paragraph (1).

(e) CERTIFICATION.—The Secretary of Defense shall, within 12 months after the date of enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of persons eligible to receive the medal.

(f) NEXT OF KIN.—If applications for a medal are filed by more than one next of kin of a person eligible to receive a medal under this section, the Secretary of Defense shall determine which next of kin will receive the medal.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sum as may be necessary to carry out this section.

SEC. 1493. YOSEMITE NATIONAL PARK CENTENNIAL MEDAL

(a) STRIKING AND DESIGN OF MEDALS.—In commemoration of th centennial of Yosemite National Park in 1990, the Secretary of th Treasury (hereafter in this section referred to as the "Secretary shall strike medals with suitable emblems, devices, and inscription capturing the scenic and historic significance of the park. Th design of the medals shall be determined by the Secretary i consultation with the Secretary of the Interior and the Commissio on Fine Arts.

(b) SALE OF MEDALS.—(1) Notwithstanding any other provision o law, the medals issued under this section shall be sold by th Secretary at a price equal to the cost of designing and issuing such medals (including labor, materials, dies, use of machinery, an overhead expenses) and the surcharge provided for in paragraph (3

(2) The Secretary shall make bulk sales at a reasonable discount

(3) The sale of each medal shall include a surcharge of $2.

(c) DISTRIBUTION OF SURCHARGES.—Proceeds realized from surcharges on medals sold under this section shall be promptly paid by the Secretary to a permanent endowment fund for the benefit o Yosemite National Park. Such endowment shall be administered by the National Park Foundation. The net income from the fund shal be paid to the Secretary of the Interior for funding special supplemental projects relating to (1) back country trail development and rehabilitation, and (2) the preservation of Sequoia groves within the boundaries of Yosemite National Park.

(d) SALE OF MEDALS IN NATIONAL PARK FACILITIES.—The Secretary and the Secretary of the Interior shall enter into a memorandum of agreement to permit—

(1) the Secretary to deliver medals to the Secretary of the Interior; and

(2) the Secretary of the Interior to provide for the sale of the medals in National Park facilities.

(e) METAL CONTENT AND SIZE OF MEDALS.—The medals authorized to be struck and delivered under this section shall be struck in bronze and in the size determined by the Secretary in consultation with the Secretary of the Interior.

(f) EXAMINATION OF RECORDS.—The Comptroller General of the United States shall have the right to examine all books, documents and other records of the National Park Foundation related to the medals authorized by this section.

SEC. 1494. NATIONAL MEDALS

The medals authorized by sections 1491, 1492, and 1493 are national medals for purposes of chapter 51 of title 31, United States Code.

Armed Forces Retirement Home Act of 1991.

TITLE XV—ARMED FORCES RETIREMENT HOME

SEC. 1501. SHORT TITLE

24 USC 401 note.

This title may be cited as the "Armed Forces Retirement Home Act of 1991".

24 USC 401.

SEC. 1502. DEFINITIONS

For purposes of this title:

(1) The term "Retirement Home" means the Armed Forces Retirement Home established under section 1511(a)

(2) The term "Retirement Home Board" means the Armed Forces Retirement Home Board.

(3) The term "Local Board" means a Board of Trustees established for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.

(4) The term "Director" means a Director of the Armed Forces Retirement Home appointed under section 1517(a).

(5) The term "Fund" means the Armed Forces Retirement Home Trust Fund established under section 1519(a).

(6) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

(7) The term "chief personnel officers" means—

- (A) the Deputy Chief of Staff for Personnel of the Army;
- (B) the Chief of Naval Personnel;
- (C) the Deputy Chief of Staff, Manpower and Personnel of the Air Force; and
- (D) the Deputy Chief of Staff for Manpower of the Marine Corps.

(8) The term "senior noncommissioned officers" means the following:

- (A) The Sergeant Major of the Army.
- (B) The Master Chief Petty Officer of the Navy.
- (C) The Chief Master Sergeant of the Air Force.
- (D) The Sergeant Major of the Marine Corps.

PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

SEC. 1511. ESTABLISHMENT OF THE ARMED FORCES RETIREMENT HOME

24 USC 411.

(a) INCLUSION OF EXISTING HOMES.—The United States Soldiers' and Airmen's Home and the Naval Home are hereby incorporated into an independent establishment in the Executive branch of the Federal Government to be known as the Armed Forces Retirement Home.

(b) PURPOSE.—The purpose of the Retirement Home is to provide, through the United States Soldiers' and Airmen's Home and the Naval Home, a residence and related services for certain retired and former members of the Armed Forces.

(c) OPERATION.—Each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes shall be operated by a Director under the overall supervision of the Armed Forces Retirement Home Board.

(d) PROPERTY AND FACILITIES.—(1) The Retirement Home shall consist of such property and facilities as may be transferred to the Retirement Home or acquired by the Retirement Home Board for inclusion in the Retirement Home.

(2) On the effective date specified in section 1541(a), the property and facilities known and operated as the Naval Home and the United States Soldiers' and Airmen's Home shall be transferred to, and made a part of, the Retirement Home.

(e) ACCREDITATION.—The Retirement Home Board shall endeavor to secure for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes the accreditation of that facility by a nationally recognized civilian accrediting organization, such as the Continuing Care

Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

24 USC 412.

SEC. 1512. RESIDENTS OF RETIREMENT HOME

(a) PERSONS ELIGIBLE TO BE RESIDENTS.—Except as provided in subsection (b), the following persons who served as members of the Armed Forces, at least one-half of whose service was not active commissioned service (other than as a warrant officer or limited-duty officer), are eligible to become residents of the Retirement Home:

(1) Persons who—

(A) are 60 years of age or over; and

(B) were discharged or released from service in the Armed Forces under honorable conditions after 20 or more years of active service.

(2) Persons who are determined under rules prescribed by the Retirement Home Board to be incapable of earning a livelihood because of a service-connected disability incurred in the line of duty in the Armed Forces.

(3) Persons who—

(A) served in a war theater during a time of war declared by Congress or were eligible for hostile fire special pay under section 310 of title 37, United States Code;

(B) were discharged or released from service in the Armed Forces under honorable conditions; and

(C) are determined under rules prescribed by the Retirement Home Board to be incapable of earning a livelihood because of injuries, disease, or disability.

(4) Persons who—

Women.

(A) served in a women's component of the Armed Forces before the enactment of the Women's Armed Services Integration Act of 1948; and

(B) are determined under rules prescribed by the Retirement Home Board to be eligible for admission because of compelling personal circumstances.

(b) PERSONS INELIGIBLE TO BE RESIDENTS.—A person described in subsection (a) who has been convicted of a felony or is not free of drug, alcohol, or psychiatric problems shall be ineligible to become a resident of the Retirement Home.

(c) ACCEPTANCE.—To apply for acceptance as a resident of a facility of the Retirement Home, a person eligible to be a resident shall submit to the Director of that facility an application in such form and containing such information as the Retirement Home Board may require.

(d) PRIORITIES FOR ACCEPTANCE.—The Retirement Home Board shall establish a system of priorities for the acceptance of residents so that the most deserving applicants will be accepted whenever the number of eligible applicants is greater than the Retirement Home can accommodate.

(e) EFFECT OF DEPARTURE.—A resident of the Retirement Home who leaves the Retirement Home for more than 45 consecutive days (other than for inpatient medical care) shall be required to reapply for acceptance as a resident.

(f) APPLICATION OF ELIGIBILITY REQUIREMENTS TO CURRENT RESIDENTS OF THE NAVAL HOME AND THE SOLDIERS' AND AIRMEN'S HOME.—Residents of the Naval Home and the United States Soliers' and Airmen's Home as of the effective date specified in section 541(a)—

(1) shall not be required to apply for acceptance as residents of the Retirement Home; and

(2) shall become residents of the Retirement Home on that date.

EC. 1513. SERVICES PROVIDED RESIDENTS 24 USC 413.

(a) SERVICES PROVIDED.—Except as provided in subsection (b), a esident of the Retirement Home shall receive the services au- norized by the Retirement Home Board.

(b) MEDICAL AND DENTAL CARE.—The Retirement Home shall rovide for the overall health care needs of residents in a high uality and cost-effective manner, including on site primary care, edical care, and a continuum of long-term care services. Secondary nd tertiary hospital care for residents that is not available at the etirement Home shall be obtained through agreements with facili- es administered by the Secretary of Veterans Affairs or the Sec- etary of Defense or at private facilities. The Retirement Home may ot construct an acute care facility.

EC. 1514. FEES PAID BY RESIDENTS 24 USC 414.

(a) MONTHLY FEES.—The Directors shall collect from each resident the Retirement Home a monthly fee.

(b) DEPOSIT OF FEES.—The Directors shall deposit fees collected nder subsection (a) in the Armed Forces Retirement Home Trust und.

(c) FIXING FEES.—(1) The Retirement Home Board shall from time time fix the fee required by subsection (a) on the basis of the nancial needs of the Retirement Home and the ability of the esidents to pay.

(2) The fee shall be fixed as a percentage of Federal payments ade to a resident, including monthly retired or retainer pay, onthly civil service annuity, monthly compensation or pension aid to the resident by the Secretary of Veterans Affairs, and Social ecurity payments. Residents who do not receive such Federal ayments shall be required to pay a monthly fee that is equivalent the average monthly fee paid by residents who receive Federal ayments, subject to such adjustments in the fee as the Retirement ome Board may make. The percentage shall be the same for each tablishment of the Retirement Home.

(d) APPLICATION OF FEES TO CURRENT RESIDENTS OF THE NAVAL OME AND THE SOLDIERS' AND AIRMEN'S HOME.—(1) Each resident of e Naval Home who becomes a resident of the Retirement Home on e effective date specified in section 1541(a) shall begin paying a onthly fee that is equal to 12.5 percent of the Federal payments ade to the resident. Each year thereafter, the fee for such resident nder this subsection shall be increased 2.5 percent until the ercentage fixed under subsection (c) has been reached. Such ercentage increase may be adjusted so that the conversion to the e fixed under subsection (c) is accomplished under this subsection ithin six years after such effective date.

(2) A resident of the United States Soldiers' and Airmen's Home ho becomes a resident of the Retirement Home on such date and ho received Federal payments referred to in subsection (c) that ere not considered for purposes of determining the resident's onthly fee for the United States Soldiers' and Airmen's Home

shall have that fee increased by an amount that is equal to 12 percent of the monthly equivalent of those payments for the firs year and 2.5 percent of the monthly equivalent of those payment each year thereafter until the percentage fixed pursuant to subsection (c) has been reached.

(e) APPLICATION OF FEES FOR NEW RESIDENTS.—A person who becomes a resident of the Retirement Home after the effective date specified in section 1541(a) shall be required to pay a monthly fee that is equal to 25 percent of Federal payments made to the resident, subject to such adjustments in the fee as may be made under subsection (c).

24 USC 415.

SEC. 1515. COMPOSITION AND OPERATION OF RETIREMENT HOME BOARD

(a) ESTABLISHMENT.—There is hereby established the Armed Forces Retirement Home Board. The Retirement Home Board shall exercise policy oversight over the Retirement Home and oversee the activities of any local boards of trustees.

(b) MEMBERS.—The Retirement Home Board shall consist of not less than 16 members who shall be appointed by the Secretary of Defense, unless otherwise indicated, as follows:

(1) One representative from the office of the Assistant Secretary of Defense (Force Management and Personnel).

(2) One representative from the Department of Defense Comptroller's office.

(3) One representative from the office of the Assistant Secretary of Defense (Health Affairs).

(4) One representative from the office of the General Counsel of the Department of Defense.

(5) Two persons who are experts in the operations of retirement homes and who are not officers or employees of the United States.

(6) Two persons who are gerontologists and who are not officers or employees of the United States.

(7) Two persons who are personnel chiefs of the Armed Forces.

(8) Two persons who are senior noncommissioned officers of the Armed Forces.

(9) One representative from the Office of Management and Budget who shall be designated by the Director of the Office of Management and Budget.

(10) One representative from a national noncommissioned officer association or a military retiree council who shall be a nonvoting member of the Board.

(11) One representative of the Secretary of Veterans Affairs who shall be designated by that Secretary.

(12) One officer or employee of the Department of Health and Human Services who shall be designated by the Secretary of Health and Human Services.

Reports.

(c) LOCAL BOARDS.—Each establishment of the Retirement Home shall have a Board of trustees which shall exercise operational oversight over the respective facility and provide reports to the Retirement Home Board at least twice annually. Each Local Board shall consist of at least 11 members appointed by the Secretaries of the military departments. The local boards shall consist of the following:

(1) One person who is a civilian expert in nursing home or retirement home administration and financing from the geographical area of each facility.

(2) One person who is a civilian expert in gerontology from the geographical area of each facility.

(3) One person who is a service expert in financial management.

(4) One representative from the Department of Veterans Affairs regional office nearest in proximity to each facility who shall be designated by the Secretary of Veterans Affairs.

(5) One representative from the resident advisory committee or council of the respective facility who shall be a nonvoting member.

(6) One enlisted representative of the Services' Retiree Advisory Council.

(7) The senior noncommissioned officer of an Armed Force.

(8) One senior representative from the military hospital nearest in proximity to each facility.

(9) One senior representative from the Judge Advocate General's Corps from one of the Armed Services.

(10) The director of the respective facility who shall be a nonvoting member.

(11) One senior representative of one of the chief personnel officers of the Armed Services.

(d) CHAIRMEN.—(1) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman of the Retirement Home Board shall be five years.

(2) The Secretaries of the military departments shall select the chairman for each Local Board from the members of that board. The term of office of the chairman of a Local Board shall be three years.

(e) TERMS.—(1) Except as provided in subsection (f), the term of office of each member of the Retirement Home Board and each Local Board shall be five years.

(2) A member whose term of office has expired may continue to serve until the successor for the member is appointed or designated.

(f) FIRST APPOINTMENT AND DESIGNATION.—Not later than the effective date specified in section 1541(a), members of the Retirement Home Board and the members of each Local Board shall be first appointed to staggered terms.

(g) VACANCIES.—(1) A vacancy in the Retirement Home Board or a Local Board shall be filled in the manner in which the original appointment or designation was made.

(2) A member appointed or designated to fill a vacancy occurring before the end of the term of the predecessor of the member shall be appointed or designated, as the case may be, for the remainder of the term for which the predecessor was appointed.

(3) A vacancy in the Retirement Home Board or a Local Board shall not affect its authority to perform its duties.

(h) COMPENSATION.—(1) Except as provided in paragraph (2), members of the Retirement Home Board and members of the Local Boards shall—

(A) be provided a stipend consistent with the daily government consultant fee for each day in which the member is engaged in the performance of services for the Retirement Home Board or a Local Board; and

(B) while away from home or regular place of business in the performance of services for the Retirement Home Board or a Local Board, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

(2) A member of the Retirement Home Board or a Local Board who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of service on the Retirement Home Board or a Local Board.

(i) MEETINGS.—(1) The Retirement Home Board shall meet twice a year, or at more frequent intervals, at the call of the chairman or a majority of the members.

(2) The first meeting of the Retirement Home Board shall be held during the 30-day period beginning on the later of—

(A) the effective date specified in section 1541(a); and

(B) the date on which the last of the five members required by subsection (b) to be appointed is first appointed.

24 USC 416.

SEC. 1516. DUTIES OF RETIREMENT HOME BOARD

(a) OVERALL OPERATION OF THE RETIREMENT HOME.—The Retirement Home Board shall be responsible for the overall operation of the Retirement Home. As part of such responsibilities, the Retirement Home Board shall perform the following duties:

(1) Issue and ensure compliance with appropriate rules for the operation of the Retirement Home.

(2) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

(3) Periodically examine and audit the accounts of the Retirement Home.

(4) Establish such advisory bodies as the Retirement Home Board considers to be necessary.

(b) SPECIAL DUTIES OF SPECIFIC MEMBERS.—The Retirement Home Board shall assign specific members of the Retirement Home Board appointed under section 1515(b) to oversee the operations of each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.

(c) ACQUISITION OF REAL PROPERTY.—The Retirement Home Board may acquire, for the benefit of the Retirement Home, property and facilities for inclusion in the Retirement Home.

(d) LIMITATION ON THE DISPOSAL OF REAL PROPERTY.—(1) Real property of the Retirement Home may not be disposed of by the Retirement Home Board by sale or otherwise unless the disposal of the property is specifically authorized by law.

(2) In any case in which any real property is sold by the Retirement Home Board, the Board shall deposit moneys received from the sale of the property in the Armed Forces Retirement Home Trust Fund.

(e) GIFTS.—(1) The Retirement Home Board may accept gifts of money, property, and facilities on behalf of the Retirement Home.

(2) Monies received as gifts, or realized from the disposition of property and facilities received as gifts, shall be deposited in the Fund.

(f) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Retirement Home Board shall submit to the Secretary of Defense, for transmission to Congress, a report describing the financial and other affairs of the Retirement Home for that fiscal year.

EC. 1517. DIRECTORS AND STAFF

24 USC 417.

(a) APPOINTMENT AND QUALIFICATIONS.—(1) The Secretary of De-
ense shall appoint a Director for each separate establishment of the
etirement Home.

(2) Each Director shall be appointed from among persons rec-
mmended by the Retirement Home Board who—

(A) are not officers of the Armed Forces on active duty; and

(B) have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and a significant military background.

(3) Each Director shall be required to pursue a course of study to
eceive certification as a retirement facilities director by an appro-
riate civilian certifying organization if the Director is not so cer-
ified at the time of appointment.

(b) APPLICATION OF CIVIL SERVICE LAWS TO APPOINTMENT AND
IXING PAY.—The Secretary of Defense may appoint the Director
eferred to in subsection (a) and Deputy Directors for the Retire-
ent Home without regard to the provisions of title 5, United States
ode, governing appointments in the competitive service.

(c) TERM OF DIRECTOR.—The term of office of a Director shall be
ve years. A Director may be reappointed for one additional term
pon the completion of the first term of office unless the Director
as failed to successfully complete a course of study to receive
ertification as a retirement facilities director.

(d) DUTIES OF DIRECTORS.—(1) A Director shall be responsible for
e day-to-day operation of the facility of the Retirement Home for
hich the Director is appointed, including the acceptance of ap-
licants to be residents of that facility.

(2) The Director shall keep accurate and complete records of the
perations of that facility of the Retirement Home.

(e) STAFF.—(1) A Director, subject to the approval of the Retire-
ent Home Board, may appoint and fix the pay of such principal
aff as the Director considers appropriate to assist the Director in
perating the facility of the Retirement Home for which the Direc-
r is appointed.

(2) The staff shall include persons with experience and expertise
the operation and management of retirement homes and in the
rovision of long-term medical care for older persons.

(3) The Director may exempt four physicians employed at the
etirement Home from the provisions of subsections (a), (b), and (c)
section 5532 of title 5, United States Code, if the Director deter-
ines that the exemption is necessary to recruit or retain well-
ualified physicians for the Retirement Home. An exemption
ranted under this section shall apply to the retired pay of the
hysician payable for the first month after the month in which the
xemption is granted and shall terminate upon any break in
mployment with the Retirement Home of three days or more.

(f) INITIAL OPERATION.—(1) Until the date on which the Secretary
Defense first appoints the Director for the establishment of the
etirement Home known as the Naval Home, the Governor of the
aval Home shall operate that facility consistent with this Act and
her laws applicable to the Retirement Home.

(2) Until the date on which the Secretary of Defense first appoints
e Director for the facility of the Retirement Home known as the
nited States Soldiers' and Airmen's Home, the Governor of the

United States Soldiers' and Airmen's Home shall operate that establishment consistent with this Act and other laws applicable to the Retirement Home.

24 USC 418.

SEC. 1518. INSPECTION BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

The Inspector General of the Department of Defense shall—

(1) conduct, not later than three years after the effective date specified in section 1541(a) (and at six-year intervals thereafter), an inspection of the Retirement Home and the records of the Retirement Home;

(2) cause the Inspector Generals of the military departments to conduct an inspection of the Retirement Home and its records at six-year intervals alternating with the inspections by the Inspector General of the Department of Defense so that each home is inspected every three years; and

(3) submit to the Retirement Home Board, the Secretary of Defense, and Congress a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.

24 USC 419.

SEC. 1519. RETIREMENT HOME TRUST FUND

(a) Establishment.—There is hereby established in the Treasury of the United States a trust fund to be known as the Armed Forces Retirement Home Trust Fund. The Fund shall consist of the following:

(1) Such amounts as may be transferred to the Fund.

(2) Moneys deposited in the Fund by the Retirement Home Board realized from gifts or from the disposition of property and facilities.

(3) Amounts deposited in the Fund as monthly fees paid by residents of the Retirement Home under section 1514.

(4) Amounts of fines and forfeitures deposited in the Fund under section 2772 of title 10, United States Code.

(5) Amounts deposited in the Fund as deductions from the pay of enlisted members, warrant officers, and limited duty officers under section 1007(i) of title 37, United States Code.

(6) Interest from investments made under subsection (c).

(b) Availability and Use of Fund.—Amounts in the Fund shall be available solely for the operation of the Retirement Home.

(c) Investments.—The Secretary of the Treasury may invest in obligations issued or guaranteed by the United States any monies in the Fund that the Director determines are not currently needed to pay for the operation of the Retirement Home.

(d) Transitional Accounts.—(1) During the period beginning on the date of the enactment of this Act and ending on September 30, 1994, the Fund shall contain a separate account for each establishment of the Retirement Home. During that period, contributions shall be collected under subsection (a) for the account of the Naval Home for the purpose of achieving a trust fund five times the estimated annual operating budget of the Naval Home.

(2) Beginning on the date of the enactment of this Act, funds required for the operation of the United States Soldiers' and Airmen's Home shall be drawn from the appropriate account. Beginning on October 1, 1991, funds required for the operation of the Naval Home shall be drawn from the account of the Naval Home.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 1994—

(A) amounts collected as monthly fees paid by residents of the Naval Home and amounts referred to in subsections (a)(4) and (a)(5) derived from enlisted members, warrant officers, and limited duty officers of the Navy, Marine Corps, and Coast Guard shall be credited to the account relating to that establishment; and

(B) amounts collected as monthly fees paid by residents of the United States Soldiers' and Airmen's Home and amounts referred to in subsections (a)(4) and (a)(5) derived from members and warrant officers of the Army and Air Force shall be credited to the account relating to that establishment.

SEC. 1520. DISPOSITION OF EFFECTS OF DECEASED PERSONS; UNCLAIMED PROPERTY 24 USC 420.

(a) Effects of Deceased Persons.—The Directors of the establishments of the Retirement Home shall safeguard and dispose of the effects of a deceased person delivered to the Retirement Home under section 4712(f) or 9712(f) of title 10, United States Code, and the estate and effects of a deceased resident of the Armed Forces Retirement Home as follows:

(1) A will or other paper involving property rights shall be promptly delivered to the proper court of record.

(2) If the heirs or legal representative of the deceased cannot sooner be ascertained, the Directors shall retain the remaining effects until three years after the death of the deceased, and then, if a right to the effects is established to the satisfaction of the Directors, shall deliver the effects to the living person highest on the following list who can be found:

(A) The surviving spouse or legal representative.

(B) A child of the deceased.

(C) A parent of the deceased.

(D) A brother or sister of the deceased.

(E) The next-of-kin of the deceased.

(F) A beneficiary named in the will of the deceased.

(b) Sale of Effects.—(1) After three years from the date of death of the deceased, the Directors may sell the effects to which a right has not been established under subsection (a) (except decorations, medals, and citations) by public or private sale, as the Directors consider most advantageous.

(2) After five years from the date of death of the deceased, the Directors shall dispose of effects that were not sold under paragraph (1) (including decorations, medals, and citations) and to which a right has not been established under subsection (a). The sale shall be made in the manner that the Directors consider most appropriate in the public interest. Disposal may include—

(A) retaining the effects for the use of the Retirement Home;

(B) delivering the effects to the Secretary of Veterans Affairs, to a State or other military home, to a museum, or to any other appropriate institution; or

(C) destroying the effects if the Retirement Home Board determines that they are valueless.

(c) Transfer of Proceeds to the Fund.—The net proceeds received by the Directors from the sale of effects under subsection (b) shall be deposited in the Fund.

(d) Subsequent Claim.—(1) A claim for the net proceeds of the sale under subsection (b) of the effects of a deceased may be filed with the Comptroller General of the United States at any time

within six years after the death of the deceased, for actio
section 2771 of title 10, United States Code.
(2) A claim referred to in paragraph (1) may not be conside
court or the Comptroller General unless the claim is filed wi
time period prescribed in such paragraph.
(3) A claim allowed by the Comptroller General under pa
(1) shall be certified to the Secretary of the Treasury for
from the Fund in the amount found due, including any
relating to the amount. No claim may be allowed or paid in
the net proceeds of the estate deposited in the Fund under
tion (c) plus interest.
(e) Unclaimed Property.—In the case of property delivere
Retirement Home under section 2575 of title 10, United Stat
the Directors shall deliver the property to the owner, the
next of kin of the owner, or the legal representative of the
a right to the property is established to the satisfaction
Directors within two years after the delivery.

Part B—Transitional Provisions

24 USC 431.

SEC. 1531. TRANSFER OF TRUST FUNDS RELATING TO THE NAVA
AND THE SOLDIERS' AND AIRMEN'S HOME

(a) Initial Transfer.—(1) On the date of the enactment
Act, all monies in the funds named in paragraph (2)
transferred to the appropriate account in the Armed Forces
ment Home Trust Fund, and those funds shall terminate.
(2) The funds referred to in paragraph (1) are the fo
(A) Soldiers' Home, permanent fund, referred to in pa
(59) of section 1321(a) of title 31, United States Code.
(B) Soldiers' Home, interest fund, referred to in pa
(81) of such section.
(C) Personal funds of deceased inmates, Naval Home,
to in paragraph (5) of such section.
(D) Any new category of funds created for the Naval
the United States Soldiers' and Airmen's Home befo
date.
(b) Subsequent Transfers.—After the termination of th
referred to in subsection (a), any monies that would be de
into one of those funds but for the termination of that fun
subsection (a) shall be deposited into the Armed Forces Ret
Home Trust Fund.

SEC. 1532. REPEAL OF PROVISIONS RELATING TO THE NAVAL HO
THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME

Repeals.

(a) Laws Relating to the Naval Home.—The followin
sions of law are repealed:
(1) Section 11 of the Act of August 2, 1946 (60 Stat.
U.S.C. 21a).
(2) Section 9 of the Act of June 26, 1934 (48 Stat.
U.S.C. 21b).
(3) The second, third, fourth, and fifth provisos relatin
maintenance of the Naval Home under the heading "BU
NAVIGATION" in the Act of June 30, 1914 (38 Stat. 398; 2
22, 23).
(4) The proviso relating to the maintenance of the
Home under the heading "BUREAU OF NAVIGATION" in th
March 4, 1917 (39 Stat. 1175; 24 U.S.C. 24).

(5) The first proviso relating to miscellaneous expenses of the Naval Home under the heading "BUREAU OF NAVIGATION" of the Act of August 22, 1912 (37 Stat. 334; 24 U.S.C. 25).

(b) Laws Relating to the Soldiers' and Airmen's Home.—The following provisions of law are repealed:

(1) Chapter 2 of title LIX of the Revised Statutes of the United States (24 U.S.C. 41, 43, 45, 49, 50). 24 USC 54.

(2) The Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 41, 43, 46, 48, 59).

(3) The proviso relating to the military prison at Fort Leavenworth, Kansas, under the heading "MISCELLANEOUS OBJECTS, WAR DEPARTMENT" in the Act of March 4, 1909 (35 Stat. 1004; 24 U.S.C. 42).

(4) Section 1 of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44b).

(5) The proviso under the heading "UNITED STATES SOLDIERS' HOME" in title II of the Act of April 9, 1935 (49 Stat. 147; 24 U.S.C. 46a).

(6) The proviso under the heading "UNITED STATES SOLDIERS' HOME" in the Act of July 19, 1937 (50 Stat. 519; 24 U.S.C. 46b).

SEC. 1533. CONFORMING AMENDMENTS

(a) Title 10.—Title 10, United States Code, is amended as follows:

(1) Section 1089 is amended—

(A) in subsection (a) by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home"; and

(B) in subsection (g), by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the Armed Forces Retirement Home Board, in the case of an employee of the Armed Forces Retirement Home; and".

(2) Section 2575 is amended—

(A) in subsection (a), by striking out "section 4712, 4713, 6522, 9712, or 9713" and inserting in lieu thereof "section 4712, 6522, or 9712"; and

(B) in subsection (c)—

(i) by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home";

(ii) by striking out "the Secretary of the Army or the Secretary of the Air Force," and inserting in lieu thereof "the Secretary of a military department,"; and

(iii) by striking out the last sentence of such subsection.

(3) Effective on the date of the enactment of this Act, section 2772 is amended—

(A) by inserting "and forfeitures" after "fines" both places it appears; and

(B) by striking out "or warrant officer" each place it appears and inserting in lieu thereof ", warrant officer, or limited duty officer".

(4)(A) Section 2772 is amended to read as follows:

"§ 2772. Share of fines and forfeitures to benefit Armed Forc Retirement Home

"(a) Deposit Required.—The Secretary of the military depar ment concerned shall deposit in the Armed Forces Retiremen Home Trust Fund a percentage (determined under subsection (b)) the following amounts:

"(1) The amount of forfeitures and fines adjudged against a enlisted member, warrant officer, or limited duty officer of th armed forces by sentence of a court martial or under authorit of section 815 of this title (article 15) over and above an amount that may be due from the member, warrant officer, limited duty officer for the reimbursement of the United State or any individual.

"(2) The amount of forfeitures on account of the desertion an enlisted member, warrant officer, or limited duty officer the armed forces.

"(b) Determination of Percentage.—The Armed Forces Retir ment Home Board shall determine, on the basis of the financia needs of the Armed Forces Retirement Home, the percentage of th amounts referred to in subsection (a) to be deposited in the trus fund referred to in such subsection.

"(c) Application to Coast Guard.—In this section, the term 'armed forces' does not include the Coast Guard when it is no operating as a service in the Navy.".

(B) The item relating to such section in the table of sections a the beginning of chapter 165 is amended by striking out "retire ment homes" and inserting in lieu thereof "Retirement Home"

(5)(A) Section 4624(c) is amended by striking out "Unite States Soldiers' and Airmen's Home" and inserting in lie thereof "Armed Forces Retirement Home".

(B) The heading of such section is amended to read as follows

"§ 4624. Medical supplies: civilian employees of the Army; Amer ican National Red Cross; Armed Forces Retiremen Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 439 is amended to read as follows

"4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home.".

(6) Section 4712 is amended—

(A) in subsection (a)(2), by striking out "an inmate of the United States Soldiers' and Airmen's Home" and inserting in lieu thereof "a resident of the Armed Forces Retirement Home"; and

(B) in subsection (f)—

(i) by striking out "for transmission to the United States Soldiers' and Airmen's Home"; and

(ii) by adding at the end the following: "The Secretary of the Army shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Army under this subsection.".

Repeal. (7)(A) Section 4713 is repealed.

(B) The table of sections at the beginning of chapter 445 is amended by striking out the item relating to such section

(8)(A) Section 9624(c) is amended by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home".

(B) The heading of such section is amended to read as follows:

"§ 9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Armed Forces Retirement Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 939 is amended to read as follows:

9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Armed Forces Retirement Home.".

(9) Section 9712 is amended—

(A) in subsection (a)(2), by striking out "an inmate of the United States Soldiers' and Airmen's Home" and inserting in lieu thereof "a resident of the Armed Forces Retirement Home"; and

(B) in subsection (f)—

(i) by striking out "for transmission to the United States Soldiers' and Airmen's Home"; and

(ii) by adding at the end the following: "The Secretary of the Air Force shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Air Force under this subsection."

(10)(A) Section 9713 is repealed. Repeal.

(B) The table of sections at the beginning of chapter 945 is amended by striking out the item relating to section 9713.

(b) TITLE 37.—Section 1007(i) of title 37, United States Code, is amended—

(1) in paragraphs (1), (2)(B), and (3), by striking out "and warrant officer" and inserting in lieu thereof ", warrant officer, and limited duty officer";

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Amounts deducted under paragraph (1) shall be deposited in the Armed Forces Retirement Home Trust Fund.";

(3) in paragraph (3)—

(A) by striking out "the Governor" and all that follows through "Airmen's Home," and inserting in lieu thereof "the Armed Forces Retirement Home Board,"; and

(B) by striking out "the homes" and inserting in lieu thereof "the Armed Forces Retirement Home"; and

(4) in paragraph (5), by striking out "or warrant officer" and inserting in lieu thereof ", warrant officer, or limited duty officer".

(c) OTHER LAWS.—(1) Section 1321 of title 31, United States Code, s amended—

(A) in subsection (a)—

(i) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) Armed Forces Retirement Home Trust Fund."; and

(ii) by striking out paragraphs (59) and (81); and

(B) in subsection (b), by striking out "Soldiers' Home, Permanent Fund" both places it appears and inserting in lieu there "Armed Forces Retirement Home Trust Fund".

(2) Section 3 of the Act of June 15, 1943 (chapter 125; 57 Stat. 15 24 U.S.C. 6a) is amended by striking out "naval home or".

(3) Section 906 of title 44, United States Code, is amended in th undesignated subparagraph relating to the provision of the Congressional Record to the United States Soldiers' Home by striking ou "the United States Soldiers' Home and" and inserting in lie thereof "each separate establishment of the Armed Forces Retirement Home,".

PART C—EFFECTIVE DATE AND AUTHORIZATION OF APPROPRIATIONS

24 USC 401 note.

SEC. 1541. EFFECTIVE DATE

(a) IN GENERAL.—Except where otherwise specified, this title an the amendments made by this title shall take effect one year afte the date of the enactment of this Act.

(b) ESTABLISHMENT OF FUND.—Sections 1519, 1531, and 1533(c)(1 shall take effect on the date of the enactment of this Act.

(c) APPOINTMENT OF BOARD.—The provisions of section 1515 relat ing to the appointment and designation of members of the Retirement Home Board and Local Boards shall take effect on October 1 1991.

24 USC 441.

SEC. 1542. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITE STATES SOLDIERS' AND AIRMEN'S HOME

There is authorized to be appropriated for fiscal year 1991 from the Soldiers' Home, Permanent Fund, the sum of $53,999,000 for the operation of the United States Soldiers' and Airmen's Home. This section shall take effect on the date of the enactment of this Act

TITLE XVI—CHARTER FOR 82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED

36 USC 4801.

SEC. 1601. CHARTER

The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

36 USC 4802.

SEC. 1602. POWERS

The 82nd Airborne Division Association, Incorporated (hereinafter in this title referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

36 USC 4803.

SEC. 1603. OBJECTS AND PURPOSES OF CORPORATION

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for this Nation;

(2) furthering the common bond between retired and active members of the 82nd Airborne Division;

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members of the 82nd Airborne Division;

(4) promoting civic and patriotic activities; and

(5) promoting the indispensable role of airborne defense to the national security of the United States.

SEC. 1604. SERVICE OF PROCESS

36 USC 4804.

With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1605. MEMBERSHIP

36 USC 4805.

(a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

SEC. 1606. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

36 USC 4806.

The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

SEC. 1607. OFFICERS OF CORPORATION

36 USC 4807.

The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

SEC. 1608. RESTRICTIONS

36 USC 4808.

(a) No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

SEC. 1609. LIABILITY

36 USC 4809.

The corporation shall be liable for the acts of its officers and agents whenever such officer and agents have acted within the scope of their authority.

SEC. 1610. BOOKS AND RECORDS; INSPECTION

36 USC 4810.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any commi tee having authority under the board of directors. The corporatio shall keep, at its principal office, a record of the names a addresses of all members having the right to vote in any proceedi of the corporation. All books and records of such corporation may b inspected by any member having the right to vote in any corpor tion proceeding, or by any agent or attorney of such member, f any proper purpose at any reasonable time. Nothing in this sectio shall be construed to contravene any applicable State law.

SEC. 1611. AUDIT OF FINANCIAL TRANSACTIONS

The first session of the Act entitled "An Act to provide for audit accounts of private corporations established under Federal law approved August 30, 1964 (36 U.S.C. 1101), is amended by adding the end thereof the following:

"(74) 82nd Airborne Division Association, Incorporated.".

36 USC 4811.

SEC. 1612. ANNUAL REPORT

The corporation shall report annually to the Congress concernin the activities of the corporation during the preceding fisc year. Such annual report shall be submitted at the time as th report of the audit of the corporation required by section 2 of the A entitled "An Act to provide for audit of accounts of private corpor tions established under Federal law", approved August 30, 1964 (3 U.S.C. 1101). The report shall not be printed as a public documen

36 USC 4812.

SEC. 1613. RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHA TER

The right to amend, alter, or repeal this title is expressly reserve to the Congress.

36 USC 4813.

SEC. 1614. DEFINITION OF STATE

For purposes of this title, the term "State" includes the District o Columbia, the Commonwealth of Puerto Rico, the Commonwealth o the Northern Mariana Islands, and the territories and possessions o the United States.

36 USC 4814.

SEC. 1615. TAX-EXEMPT STATUS

The corporation shall maintain its status as an organizatio exempt from taxation as provided in the Internal Revenue Code o 1986.

36 USC 4815.

SEC. 1616. TERMINATION

If the corporation fails to comply with any of the restrictions o provisions of this title, the charter granted by this title shall expire

TITLE XVII—MISSILE TECHNOLOGY CONTROLS

Sec. 1701. Policy.
Sec. 1702. Amendment to the Export Administration Act of 1979.
Sec. 1703. Amendment to the Arms Export Control Act of 1979.
Sec. 1704. Report on missile proliferation.

50 USC app. 2402 note.

SEC. 1701. POLICY

It should be the policy of the United States to take all appropriat measures—

(1) to discourage the proliferation, development, and produc- tion of the weapons, material, and technology necessary to

produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage countries and private persons in other countries from aiding and abetting any states from acquiring such weapons, material, and technology;

(3) to strengthen United States and existing multilateral export controls to prohibit the flow of materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology; and

(4) with respect to the Missile Technology Control Regime ("MTCR") and its participating governments—

(A) to improve enforcement and seek a common and stricter interpretation among MTCR members of MTCR principles;

(B) to increase the number of countries that adhere to the MTCR; and

(C) to increase information sharing among United States agencies and among governments on missile technology transfer, including export licensing, and enforcement activities.

SEC. 1702. AMENDMENT TO THE EXPORT ADMINISTRATION ACT OF 1979

(a) MISSILE TECHNOLOGY CONTROLS.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (k) through (p) as subsections (m) through (r), respectively; and

(2) by inserting after subsection (j) the following:

"(k) NEGOTIATIONS WITH OTHER COUNTRIES.—

"(1) COUNTRIES PARTICIPATING IN CERTAIN AGREEMENTS.—The Secretary of State, in consultation with the Secretary, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with those countries participating in the groups known as the Coordinating Committee, the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers' Group, regarding their cooperation in restricting the export of goods and technology in order to carry out—

"(A) the policy set forth in section 3(2)(B) of this Act, and

"(B) United States policy opposing the proliferation of chemical, biological, nuclear, and other weapons and their delivery systems, and effectively restricting the export of dual use components of such weapons and their delivery systems, in accordance with this subsection and subsections (a) and (l).

Such negotiations shall cover, among other issues, which goods and technology should be subject to multilaterally agreed export restrictions, and the implementation of the restrictions consistent with the principles identified in section 5(b)(2)(C) of this Act.

"(2) OTHER COUNTRIES.—The Secretary of State, in consultation with the Secretary, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with countries and groups of countries not referred to in paragraph (1) regarding their cooperation in restricting the export of goods and technolog consistent with purposes set forth in paragraph (1). In case where such negotiations produce agreements on export restrictions that the Secretary, in consultation with the Secretary o State and the Secretary of Defense, determines to be consisten with the principles identified in section 5(b)(2)(C) of this Act, th Secretary may treat exports, whether by individual or multipl licenses, to countries party to such agreements in the sam manner as exports are treated to countries that are MTC adherents.

"(3) REVIEW OF DETERMINATIONS.—The Secretary shall annually review any determination under paragraph (2) wit respect to a country. For each such country which the Secretar determines is not meeting the requirements of an effectiv export control system in accordance with section 5(b)(2)(C), th Secretary shall restrict or eliminate any preferential licensin treatment for exports to that country provided under thi subsection.

"(l) MISSILE TECHNOLOGY.—

"(1) DETERMINATION OF CONTROLLED ITEMS.—The Secretary, i consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies—

(A) shall establish and maintain, as part of the contro list established under this section, a list of all dual us goods and technology on the MTCR Annex; and

(B) may include, as part of the control list establishe under this section, goods and technology that would provid a direct and immediate impact on the development of missile delivery systems and are not included in the MTC Annex but which the United States is proposing to the other MTCR adherents to have included in the MTCR Annex.

"(2) REQUIREMENT OF INDIVIDUAL VALIDATED LICENSES.—The Secretary shall require an individual validated license for—

"(A) any export of goods or technology on the list established under paragraph (1) to any country; and

"(B) any export of goods or technology that the exporter knows is destined for a project or facility for the design development, or manufacture of a missile in a country that is not an MTCR adherent.

"(3) POLICY OF DENIAL OF LICENSES.—(A) Licenses under paragraph (2) should in general be denied if the ultimate consignee of the goods or technology is a facility in a country that is not an adherent to the Missile Technology Control Regime and the facility is designed to develop or build missiles

"(B) Licenses under paragraph (2) shall be denied if the ultimate consignee of the goods or technology is a facility in a country the government of which has been determined under subsection (j) to have repeatedly provided support for acts o international terrorism.

"(4) CONSULTATION WITH OTHER DEPARTMENTS.—(A) A determination of the Secretary to approve an export license under paragraph (2) for the export of goods or technology to a country of concern regarding missile proliferation may be made only after consultation with the Secretary of Defense and the Sec retary of State for a period of 20 days. The countries of concern referred to in the preceding sentence shall be maintained on a classified list by the Secretary of State, in consultation with the Secretary and the Secretary of Defense.

"(B) Should the Secretary of Defense disagree with the determination of the Secretary to approve an export license to which subparagraph (A) applies, the Secretary of Defense shall so notify the Secretary within the 20 days provided for consultation on the determination. The Secretary of Defense shall at the same time submit the matter to the President for resolution of the dispute. The Secretary shall also submit the Secretary's recommendation to the President on the license application.

"(C) The President shall approve or disapprove the export license application within 20 days after receiving the submission of the Secretary of Defense under subparagraph (B).

"(D) Should the Secretary of Defense fail to notify the Secretary within the time period prescribed in subparagraph (B), the Secretary may approve the license application without awaiting the notification by the Secretary of Defense. Should the President fail to notify the Secretary of his decision on the export license application within the time period prescribed in subparagraph (C), the Secretary may approve the license application without awaiting the President's decision on the license application.

"(E) Within 10 days after an export license is issued under this subsection, the Secretary shall provide to the Secretary of Defense and the Secretary of State the license application and accompanying documents issued to the applicant, to the extent that the relevant Secretary indicates the need to receive such application and documents.

"(5) INFORMATION SHARING.—The Secretary shall establish a procedure for information sharing with appropriate officials of the intelligence community, as determined by the Director of Central Intelligence, and other appropriate Government agencies, that will ensure effective monitoring of transfers of MTCR equipment or technology and other missile technology.".

(b) SANCTIONS FOR MISSILE TECHNOLOGY PROLIFERATION.—The Export Administration Act of 1979 is amended by inserting after section 11A (50 U.S.C. App. 2410a) the following:

"MISSILE PROLIFERATION CONTROL VIOLATIONS

"SEC. 11B. (a) VIOLATIONS BY UNITED STATES PERSONS.— 50 USC app. 2410b.

"(1) SANCTIONS.—(A) If the President determines that a United States person knowingly—

"(i) exports, transfers, or otherwise engages in the trade of any item on the MTCR Annex, in violation of the provisions of section 38 (22 U.S.C. 2778) or chapter 7 of the Arms Export Control Act, section 5 or 6 of this Act, or any regulations or orders issued under any such provisions,

"(ii) conspires to or attempts to engage in such export, transfer, or trade, or

"(iii) facilitates such export, transfer, or trade by any other person,

then the President shall impose the applicable sanctions described in subparagraph (B).

"(B) The sanctions which apply to a United States person under subparagraph (A) are the following:

"(i) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category II of the MTCR Annex, then the President shall deny to such United States person, for a period of 2 years, licenses for the transfer of missile equipment or technology controlled under this Act.

"(ii) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR Annex, then the President shall deny to such United States person, for a period of not less than 2 years, all licenses for items the export of which is controlled under this Act.

"(2) DISCRETIONARY SANCTIONS.—In the case of any determination referred to in paragraph (1), the Secretary may pursue any other appropriate penalties under section 11 of this Act.

"(3) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

"(A) the product or service is essential to the national security of the United States; and

"(B) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"(b) TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS.—

"(1) SANCTIONS.—(A) Subject to paragraphs (3) through (7), if the President determines that a foreign person, after the date of the enactment of this section, knowingly—

"(i) exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act;

"(ii) conspires to or attempts to engage in such export, transfer, or trade, or

"(iii) facilitates such export, transfer, or trade by any other person,

or if the President has made a determination with respect to a foreign person under section 73(a) of the Arms Export Control Act, then the President shall impose on that foreign person the applicable sanctions under subparagraph (B).

"(B) The sanctions which apply to a foreign person under subparagraph (A) are the following:

"(i) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of 2 years, licenses for the transfer to such foreign person of missile equipment or technology the export of which is controlled under this Act.

"(ii) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of items the export of which is controlled under this Act.

"(iii) If, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

"(2) INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.—Paragraph (1) does not apply with respect to—

"(A) any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud; or

"(B) any export, transfer, or trade of an item to an end user in a country that is an MTCR adherent.

"(3) EFFECT OF ENFORCEMENT ACTIONS BY MTCR ADHERENTS.—Sanctions set forth in paragraph (1) may not be imposed under this subsection on a person with respect to acts described in such paragraph or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if an MTCR adherent is taking judicial or other enforcement action against that person with respect to such acts, or that person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

"(4) ADVISORY OPINIONS.—The Secretary, in consultation with the Secretary of State and the Secretary of Defense, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this subsection. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

"(5) WAIVER AND REPORT TO CONGRESS.—(A) In any case other than one in which an advisory opinion has been issued under paragraph (4) stating that a proposed activity would not subject a person to sanctions under this subsection, the President may waive the application of paragraph (1) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

President.

Reports.

"(B) In the event that the President decides to apply the waiver described in subparagraph (A), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

"(6) ADDITIONAL WAIVER.—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

"(A) the product or service is essential to the national security of the United States; and

"(B) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the produc or service cannot be met in a timely manner by improve manufacturing processes or technological developments.

"(7) Exceptions.—The President shall not apply the sanctio under this subsection prohibiting the importation of the products of a foreign person—

"(A) in the case of procurement of defense articles o defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities t satisfy requirements essential to the national securit of the United States;

"(ii) if the President determines that the person t which the sanctions would be applied is a sole sourc supplier of the defense articles and services, that th defense articles or services are essential to the nation security of the United States, and that alternativ sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security of th United States under defense coproduction agreement or NATO Programs of Cooperation;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production,

"(iii) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

"(iv) information and technology essential to United States products or production.

"(c) Definitions.—For purposes of this section and subsections (k and (l) of section 6—

"(1) the term 'missile' means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems;

"(2) the term 'Missile Technology Control Regime' or 'MTCR' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto;

"(3) the term 'MTCR adherent' means a country that participates in the MTCR or that, pursuant to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR;

"(4) the term 'MTCR Annex' means the Guidelines and Equipment and Technology Annex of the MTCR, and any amendments thereto;

"(5) the terms 'missile equipment or technology' and 'MTCR equipment or technology' mean those items listed in category I or category II of the MTCR Annex;

"(6) the term 'foreign person' means any person other than a United States person;

"(7)(A) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

"(B) in the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term 'person' means—

"(i) all activities of that government relating to the development or production of any missile equipment or technology; and

"(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment; and

"(8) the term 'otherwise engaged in the trade of' means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.".

SEC. 1703. AMENDMENT TO THE ARMS EXPORT CONTROL ACT

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b. et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY

"SEC. 71. LICENSING 22 USC 2797.

"(a) Establishment of List of Controlled Items.—The Secretary of State, in consultation with the Secretary of Defense and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the United States Munitions List, a list of all items on the MTCR Annex the export of which is not controlled under section 6(l) of the Export Administration Act of 1979.

"(b) Referral of License Applications.—(1) A determination of the Secretary of State to approve a license for the export of an item on the list established under subsection (a) may be made only after the license application is referred to the Secretary of Defense.

"(2) Within 10 days after a license is issued for the export of an item on the list established under subsection (a), the Secretary of State shall provide to the Secretary of Defense and the Secretary of Commerce the license application and accompanying documents issued to the applicant, to the extent that the relevant Secretary indicates the need to receive such application and documents.

"(c) Information Sharing.—The Secretary of State shall establish a procedure for sharing information with appropriate officials of the intelligence community, as determined by the Director of Central Intelligence, and with other appropriate Government agencies, that will ensure effective monitoring of transfers of MTCR equipment or technology and other missile technology.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT OR TECHNOLOGY BY UNITED STATES PERSONS 22 USC 2797a.

"(a) Sanctions.—(1) If the President determines that a United President. States person knowingly—

"(A) exports, transfers, or otherwise engages in the t
any item on the MTCR Annex, in violation of the provi
section 38 of this Act, section 5 or 6 of the Export Adm
tion Act of 1979 (50 U.S.C. App. 2404, 2405), or any regu
or orders issued under any such provisions,

"(B) conspires to or attempts to engage in such export
fer, or trade, or

"(C) facilitates such export, transfer, or trade by an
person,

then the President shall impose the applicable sanctions de
in paragraph (2).

"(2) The sanctions which apply to a United States person
paragraph (1) are the following:

"(A) If the item on the MTCR Annex involved in the
transfer, or trade is missile equipment or technology
category II of the MTCR Annex, then the President sha
to such United States person for a period of 2 years—

Government contracts.

"(i) United States Government contracts relating
sile equipment or technology; and

"(ii) licenses for the transfer of missile equipm
technology controlled under this Act.

"(B) If the item on the MTCR Annex involved in the
transfer, or trade is missile equipment or technology
category I of the MTCR, then the President shall deny t
United States person for a period of not less than 2 y

"(i) all United States Government contracts, and

"(ii) all export licenses and agreements for items
United States Munitions List.

"(b) DISCRETIONARY SANCTIONS.—In the case of any determi
made pursuant to subsection (a), the President may pursu
penalty provided in section 38(c) of this Act.

"(c) WAIVER.—The President may waive the imposition of
tions under subsection (a) with respect to a product or service
President certifies to the Congress that—

"(1) the product or service is essential to the national se
of the United States; and

"(2) such person is a sole source supplier of the produ
service, the product or service is not available from any
native reliable supplier, and the need for the product or s
cannot be met in a timely manner by improved manufact
processes or technological developments.

22 USC 2797b.

"SEC. 73. TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY EIGN PERSONS

"(a) SANCTIONS.—(1) Subject to subsections (c) through (g),
President determines that a foreign person, after the date o
enactment of this chapter, knowingly—

"(A) exports, transfers, or otherwise engages in the tra
any MTCR equipment or technology that contributes t
design, development, or production of missiles in a country
is not an MTCR adherent and would be, if it were United S
origin equipment or technology, subject to the jurisdiction o
United States under this Act,

"(B) conspires to or attempts to engage in such export, t
fer, or trade, or

"(C) facilitates such export, transfer, or trade by any
person,

or if the President has made a determination with respect to a foreign person under section 11B(b)(1) of the Export Administration Act of 1979, then the President shall impose on that foreign person the applicable sanctions under paragraph (2).

"(2) The sanctions which apply to a foreign person under paragraph (1) are the following:

President. Government contracts.

"(A) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of 2 years—

"(i) United States Government contracts relating to missile equipment or technology; and

"(ii) licenses for the transfer to such foreign person of missile equipment or technology controlled under this Act.

"(B) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years—

"(i) all United States Government contracts with such foreign person; and

"(ii) licenses for the transfer to such foreign person of all items on the United States Munitions List.

"(C) If, in addition to actions taken under subparagraphs (A) and (B), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

"(b) INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.—Subsection (a) does not apply with respect to—

"(1) any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud; or

"(2) any export, transfer, or trade of an item to an end user in a country that is an MTCR adherent.

"(c) EFFECT OF ENFORCEMENT ACTIONS BY MTCR ADHERENTS.—Sanctions set forth in subsection (a) may not be imposed under this section on a person with respect to acts described in such subsection or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if an MTCR adherent is taking judicial or other enforcement action against that person with respect to such acts, or that person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

"(d) ADVISORY OPINIONS.—The Secretary of State, in consultation with the Secretary of Defense and the Secretary of Commerce, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this section. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

"(e) WAIVER AND REPORT TO CONGRESS.—(1) In any case other than one in which an advisory opinion has been issued under subsection (d) stating that a proposed activity would not subject a person to sanctions under this section, the President may waive the application of subsection (a) to a foreign person if the President determines

that such waiver is essential to the national security of th
States.

"(2) In the event that the President decides to apply th
described in paragraph (1), the President shall so notify
gress not less than 20 working days before issuing the wai
notification shall include a report fully articulating the
and circumstances which led the President to apply th

"(f) ADDITIONAL WAIVER.—The President may waive th
tion of sanctions under paragraph (1) on a person with res
product or service if the President certifies to the Congre

"(1) the product or service is essential to the national
of the United States; and

"(2) such person is a sole source supplier of the pr
service, the product or service is not available from a
native reliable supplier, and the need for the product o
cannot be met in a timely manner by improved manu
processes or technological developments.

"(g) EXCEPTIONS.—The President shall not apply the
under this section prohibiting the importation of the prod
foreign person—

"(1) in the case of procurement of defense articles o
services—

"(A) under existing contracts or subcontracts, i
the exercise of options for production quantities t
requirements essential to the national security
United States;

"(B) if the President determines that the person
the sanctions would be applied is a sole source su
the defense articles and services, that the defense
or services are essential to the national securit
United States, and that alternative sources are no
or reasonably available; or

"(C) if the President determines that such ar
services are essential to the national security of th
States under defense coproduction agreements o
Programs of Cooperation;

"(2) to products or services provided under contracts
into before the date on which the President publishe
tention to impose the sanctions; or

"(3) to—

"(A) spare parts,

"(B) component parts, but not finished products, e
to United States products or production,

"(C) routine services and maintenance of product
extent that alternative sources are not readily or
ably available, or

"(D) information and technology essential to
States products or production.

22 USC 2797c.

"SEC. 74. DEFINITIONS

For purposes of this chapter—

"(1) the term 'missile' means a category I system as de
the MTCR Annex, and any other unmanned delivery sy
similar capability, as well as the specially designed pro
facilities for these systems;

"(2) the term 'Missile Technology Control Regime' or
means the policy statement, between the United Sta

United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto;

"(3) the term 'MTCR adherent' means a country that participates in the MTCR or that, pursuant to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR;

"(4) the term 'MTCR Annex' means the Guidelines and Equipment and Technology Annex of the MTCR, and any amendments thereto;

"(5) the terms 'missile equipment or technology' and 'MTCR equipment or technology' mean those items listed in category I or category II of the MTCR Annex;

"(6) the term 'United States person' has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

"(7) the term 'foreign person' means any person other than a United States person;

"(8)(A) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

"(B) in the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term 'person' means—

"(i) all activities of that government relating to the development or production of any missile equipment or technology; and

"(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment; and

"(9) the term 'otherwise engaged in the trade of' means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.".

SEC. 1704. REPORT ON MISSILE PROLIFERATION.

22 USC 2797 note.

(a) CONTENTS OF REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the Congress a report on international transfers of aircraft which the Secretary has reason to believe may be intended to be used for the delivery of nuclear, biological, or chemical weapons (hereinafter in this section referred to as "NBC capable aircraft") and international transfers of MTCR equipment or technology to any country that is not an MTCR adherent and is seeking to acquire such equipment or technology, other than those countries excluded in subsection (b). Each such report shall include—

(1) the status of missile and aircraft development programs in any such country, including efforts by such country to acquire MTCR equipment or technology and NBC capable aircraft and an assessment of the present and future capability of such country to produce and utilize such weapons;

(2) a description of assistance provided, after the date of the enactment of this Act, to any such country, in the development of missile systems, as defined in the MTCR, and NBC capable aircraft by persons and other countries, specifying those persons and other countries which continue to provide MTCR equipment or technology to such country as of the date of the report;

(3) a description of diplomatic measures that the United States has taken or that other MTCR adherents have made to the United States with respect to activities of private persons and countries suspected of violating the MTCR;

(4) an analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other MTCR adherents to control the export of MTCR equipment or technology;

(5) a determination of whether transfers of MTCR equipment or technology by any country pose a significant threat to the national security of the United States;

(6) a summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 and under section 73(d) of the Arms Export Control Act; and

(7) an explanation of United States policy regarding the tranfer of MTCR equipment or technology to foreign missile programs, including space launch vehicle programs.

(b) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom.

(c) CLASSIFICATION.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

(d) DEFINITIONS.—For purposes of this section, the terms "missile", "MTCR", "MTCR equipment or technology", and "MTCR adherent" have the meanings given those terms in section 74 of the Arms Export Control Act.

TITLE XVIII—STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

SEC. 1801. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

(a) PROGRAM REQUIRED.—(1) Title 10, United States Code, is amended by inserting after chapter 171 the following new chapter:

"CHAPTER 172—STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

"Sec.
"2901. Strategic Environmental Research and Development Program.
"2902. Strategic Environmental Research and Development Program Council.
"2903. Executive Director.
"2904. Strategic Environmental Research and Development Program Scientific Advisory Board.

§2901. Strategic Environmental Research and Development Program

"(a) The Secretary of Defense shall establish a program to be nown as the 'Strategic Environmental Research and Development rogram'.

"(b) The purposes of the program are as follows:

"(1) To address environmental matters of concern to the Department of Defense and the Department of Energy through support for basic and applied research and development of technologies that can enhance the capabilities of the departments to meet their environmental obligations.

"(2) To identify research, technologies, and other information developed by the Department of Defense and the Department of Energy for national defense purposes that would be useful to governmental and private organizations involved in the development of energy technologies and of technologies to address environmental restoration, waste minimization, hazardous waste substitution, and other environmental concerns, and to share such research, technologies, and other information with such governmental and private organizations.

"(3) To furnish other governmental organizations and private organizations with data, enhanced data collection capabilities, and enhanced analytical capabilities for use by such organizations in the conduct of environmental research, including research concerning global environmental change.

"(4) To identify technologies developed by the private sector that are useful for Department of Defense and Department of Energy defense activities concerning environmental restoration, hazardous and solid waste minimization and prevention, hazardous material substitution, and provide for the use of such technologies in the conduct of such activities.

2902. Strategic Environmental Research and Development Program Council

"(a) There is a Strategic Environmental Research and Develop- ent Program Council (hereinafter in this chapter referred to as the ouncil').

"(b) The Council is composed of nine members as follows:

"(1) The Assistant Secretary of Defense responsible for matters relating to production and logistics.

"(2) The Director of Defense Research and Engineering.

"(3) The Vice Chairman of the Joint Chiefs of Staff.

"(4) The Assistant Secretary of the Air Force responsible for matters relating to space.

"(5) The Assistant Secretary of Energy for Defense programs.

"(6) The Director of the Department of Energy Office of Environmental Restoration and Waste Management.

"(7) The Director of the Department of Energy Office of Energy Research.

"(8) The Administrator of the Environmental Protection Agency.

"(9) The Executive Director of the Council (appointed pursuant to section 2903 of this title), who shall be a nonvoting member.

"(c) The Secretary of Defense shall designate a member of the uncil as chairman for each odd numbered fiscal year. The Secretary of Energy shall designate a member of the Council as chairman for each even-numbered fiscal year.

"(d) The Council shall have the following responsibilities:

"(1) To prescribe policies and procedures to implement the Strategic Environmental Research and Development Program.

Government contracts. Grant programs.

"(2) To enter into contracts, grants, and other financial arrangements, in accordance with other applicable law, to carry out the purposes of the Strategic Environmental Research and Development Program.

"(3) To prepare an annual five-year strategic environmental research and development plan that shall cover the fiscal year in which the plan is prepared and the four fiscal years following such fiscal year.

"(4) To promote the maximum exchange of information, and to minimize duplication, regarding environmentally related research, development, and demonstration activities through close coordination with the military departments and Defense Agencies, the Department of Energy, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, other departments and agencies of the Federal Government or any State and local governments, including the Federal Coordinating Council on Science, Engineering, and Technology, and other organizations engaged in such activities.

"(5) To ensure that research and development activities under the Strategic Environmental Research and Development Program do not duplicate other ongoing activities sponsored by the Department of Defense, the Department of Energy, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, or any other department or agency of the Federal Government.

"(6) To ensure that the research and development programs identified for support pursuant to policies and procedures prescribed by the council utilize, to the maximum extent possible, the talents, skills, and abilities residing at the Federal laboratories, including the Department of Energy multiprogram and defense laboratories, the Department of Defense laboratories, and Federal contract research centers. To utilize the research capabilities of institutions of higher education and private industry to the extent practicable.

"(e) In carrying out subsection (d)(1), the Council shall prescribe policies and procedures that—

"(1) provide for appropriate access by Federal Government personnel, State and local government personnel, college and university personnel, industry personnel, and the general public to data under the control of, or otherwise available to, the Department of Defense that is relevant to environmental matters by—

"(A) identifying the sources of such data;

"(B) publicizing the availability and sources of such data by appropriately-targeted dissemination of information to such personnel and the general public, and by other means; and

"(C) providing for review of classified data relevant to environmental matters with a view to declassifying or preparing unclassified summaries of such data;

"(2) provide governmental and nongovernmental entities with analytic assistance, consistent with national defense missions, including access to military platforms for sensor deployment and access to computer capabilities, in order to facilitate environmental research;

"(3) provide for the identification of energy technologies developed for national defense purposes (including electricity generation systems, energy storage systems, alternative fuels, biomass energy technology, and applied materials technology) that might have environmentally sound, energy efficient applications for other programs of the Department of Defense and the Department of Energy national security programs, particularly technologies that have the potential for industrial, commercial, and other governmental applications, and to support programs of research in and development of such applications;

"(4) provide for the identification and support of programs of basic and applied research, development, and demonstration in technologies useful—

"(A) to facilitate environmental compliance, remediation, and restoration activities of the Department of Defense and at Department of Energy defense facilities;

"(B) to minimize waste generation, including reduction at the source, by such departments; or

"(C) to substitute use of nonhazardous, nontoxic, nonpolluting, and other environmentally sound materials and substances for use of hazardous, toxic, and polluting materials and substances by such departments;

"(5) provide for the identification and support of research, development, and application of other technologies developed for national defense purposes which not only are directly useful for programs, projects, and activities of such departments, but also have useful applications for solutions to such national and international environmental problems as climate change and ozone depletion;

"(6) provide for the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, in cooperation with other Federal and State agencies, as appropriate, to conduct joint research, development, and demonstration projects relating to innovative technologies, management practices, and other approaches for purposes of—

"(A) preventing pollution from all sources;

"(B) minimizing hazardous and solid waste, including recycling; and

"(C) treating hazardous and solid waste, including the use of thermal, chemical, and biological treatment technologies;

"(7) encourage transfer of technologies referred to in clauses (2) through (6) to the private sector under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) and other applicable laws;

"(8) provide for the identification of, and planning for the demonstration and use of, existing environmentally sound, energy-efficient technologies developed by the private sector that could be used directly by the Department of Defense;

"(9) provide for the identification of military specifications that prevent or limit the use of environmentally beneficial technologies, materials, and substances in the performance of

Department of Defense contracts and recommend changes to such specifications; and

"(10) to ensure that the research and development programs identified for support pursuant to the policies and procedures prescribed by the Council are closely coordinated with, and do not duplicate, ongoing activities sponsored by the Department of Defense, the Department of Energy, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, or other Federal agencies.

"(f)(1) To assist the Council in preparing the five-year strategic environmental research and development plan under subsection (d)(3), the Secretary of Defense and the Secretary of Energy may each submit to the Council a proposal for conducting environmental research under this chapter. The Secretary of each department shall ensure that the environmental research proposal of the department includes—

"(A) short- and long-term, cooperative, basic, and applied research systems engineering and development programs in environmental research;

"(B) short- and long-term, basic research in environmental restoration at the respective laboratories of each department; and

"(C) participation by industry and institutions of higher education.

"(2) The Secretary of each department shall ensure that, in the development of its environmental research proposal, consideration is given to—

"(A) the need for increased research in basic science, including basic materials, physics, molecular structures, chemistry, and biology related to environmental research at that Department's defense operations, production, research, and maintenance facilities; and

"(B) ways to identify and conduct research and development on technologies for environmental restoration, remediation and waste cleanup activities, waste minimization, and hazardous and toxic materials substitution potential in defense production and maintenance activities.

"(3) The Secretary of each department shall transmit the proposal to the Council not later than July 1 of each year.

"(g) The Council shall be subject to the authority, direction, and control of the Secretary of Defense in prescribing policies and procedures under subsection (d)(1).

Reports.

"(h)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense an annual report on the annual five-year strategic environmental research and development plan prepared pursuant to subsection (d)(3).

"(2) The report shall contain the following:

"(A) A description of the actions to be taken during the five-year period covered by the plan in order to prevent duplication of research and development activities referred to in the policies and procedures prescribed pursuant to subsection (d)(1).

"(B) A description of the involvement with Federal interagency coordinating entities such as the Federal Coordinating Council on Science, Engineering, and Technology.

"(C) A description of each project selected or recommended by the Council for support and funding, including the duration of, and the total estimated or (if known) actual cost of—

"(i) each such project supported during the fiscal year in which the plan is submitted and the preceding fiscal year; and

"(ii) each such project proposed for funding during the fiscal year in which the annual report is submitted and the following four fiscal years.

"(D) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the annual report is submitted, for the programs, projects, and activities of the Strategic Environmental Research and Development Program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

"(E) The amount requested in such budget for each Federal laboratory, including each Department of Defense and Department of Energy laboratory.

"(F) The amount made available, for the fiscal year in which the annual report is submitted, to each Federal laboratory, including each Department of Defense and Department of Energy laboratory.

"(G) A description of any changes in military specifications recommended by the Council, actions to be taken to effectuate any such recommended changes on an expedited basis, and the projected date for each such change.

"(H) A description of all contracts, agreements, or other documents for cooperative research and development activities entered into pursuant to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) during the fiscal year preceding the fiscal year in which the annual report is submitted.

"(I) Plans for transferring technology and information to other governmental agencies and to nongovernmental organizations involved in environmental research and related matters.

"(J) A description of plans to increase access to data described in subsection (e)(1).

"(K) Such additional recommendations or proposals, including proposals for legislation, relating to the Strategic Environmental Research and Development Program as the Council considers appropriate.

"(3) The Council shall make a draft of the five-year strategic
vironmental research and development plan covered by each
port available for public comment for a period of at least 30 days.

Reports

"(4) Not later than March 15 of each year the Secretary of Defense
d the Secretary of Energy shall transmit the annual report to the
ngress. The Secretary of Defense and the Secretary of Energy
y submit such comments on the annual report as each Secretary
nsiders appropriate.

2903. Executive Director

(a) There shall be an Executive Director of the Council appointed
the Secretary of Defense after consultation with the Secretary of
ergy.

(b) Subject to the authority, direction, and control of the Sec-
ary of Defense, the Executive Director is responsible for the

management of the Strategic Environmental Research and Development Program in accordance with the policies established by the Council.

"(c) The Executive Director may enter into contracts or other agreements in accordance with applicable law, except that the Executive Director shall first obtain the approval of the Council for any contract or agreement in an amount equal to or in excess of $500,000 or such lesser amount as the Council may prescribe.

"(d)(1) The Executive Director, with the concurrence of the Council, may appoint such professional and clerical staff as may be necessary to carry out the responsibilities and policies of the Council.

"(2) The Executive Director, with the concurrence of the Council and without regard to the provisions of chapter 51 of title 5 and subchapter III of chapter 53 of such title, may establish the rates of basic pay for professional, scientific, and technical employees appointed pursuant to paragraph (1). The authority provided in the preceding sentence shall expire two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991.

"§ 2904. Strategic Environmental Research and Development Program Scientific Advisory Board

"(a) The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly appoint a Strategic Environmental Research and Development Program Scientific Advisory Board (hereafter in this section referred to as the 'Advisory Board') consisting of not less than six and not more than 13 members.

"(b)(1) The Science Advisor to the President, or his designee, shall be a permanent member of the Advisory Board.

"(2) Other members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. At least one member of the Advisory Board shall be a representative of environmental public interest groups and one member shall be a representative of the interests of State governments.

"(3) The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall request—

"(A) that the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Advisory Board;

"(B) that the Council on Environmental Quality nominate for appointment to the Advisory Board at least one person who is a representative of environmental public interest groups; and

"(C) that the National Association of Governors nominate for appointment to the Advisory Board at least one person who is representative of the interests of State governments.

"(4) Members of the Advisory Board shall be appointed for terms of three years.

"(c) A member of the Advisory Board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5 (relating to compensation for work-related injuries) and chapter 171 of title 28 (relating to tort claims).

"(d) The Advisory Board shall prescribe procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, provide for annual election of the Chairman by the members of the Advisory Board, and require at least four meetings of the Advisory Board each year.

"(e) The Council shall refer to the Advisory Board, and the Advisory Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of $1,000,000. The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal.

"(f) The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program.

"(g) The Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to section 2902(d)(1) of this title.

Reports.

"(h) Not later than March 15 of each year, the Advisory Board shall submit to the Congress an annual report setting forth its actions during the year preceding the year in which the report is submitted and any recommendations, including recommendations on projects, programs, and information exchange and recommendations for legislation, that the Advisory Board considers appropriate regarding the Strategic Environmental Research and Development Program.

"(i) Each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 171 the following:

"172. Strategic Environmental Research and Development Program .... 2901".

10 USC 2904 note.

(b) INITIAL APPOINTMENTS OF ADVISORY BOARD MEMBERS.—(1) The Secretary of Defense and the Secretary of Energy shall make the appointments required by section 2904(a) of title 10, United States Code (as added by subsection (a)(1)), not later than 60 days after the date of the enactment of this Act.

(2) Up to one-half of the members originally appointed to the Strategic Environmental Research and Development Program Scientific Advisory Board established under section 2904 of title 10, United States Code, as added by subsection (a)(1), may be appointed for terms of not more than six and not less than two years in order to provide for staggered expiration of the terms of members. The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall designate the members appointed for terms authorized under this paragraph and shall specify the terms for which such members are appointed.

10 USC 2902 note.

(c) FIRST ANNUAL REPORT OF THE STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.—(1) The first annual report required by section 2902(h) of title 10, United States Code, as added by subsection (a)(1), shall be submitted to the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency not later than February 1, 1992.

(2) The Strategic Environmental Research and Development Program Council shall conduct and include as part of the first annual report required pursuant to section 2902(h) of title 10, United States Code, as added by subsection (a)(1), an assessment of the advisability of, and various alternatives to, charging fees for information released, as required pursuant to sections 2901(b)(3), 2902(e)(1) and (2), and 2902(g)(2)(I) of such title (as so added), to private sector entities operating for a profit.

(3) The Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit to the Congress, with the annual report referred to in paragraph (1), any recommendations for changes in the structure or personnel of the Council that the Secretaries and the Administrator consider necessary to carry out the environmental activities of the strategic environmental research and development program.

10 USC 2904 note.

(d) FIRST ANNUAL REPORT OF THE STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.—The first annual report of the Strategic Environmental Research and Development Program Scientific Advisory Board required by section 2904(h) of title 10, United States Code, as added by subsection (a)(1), shall be submitted not later than March 15, 1992.

SEC. 1802. AVAILABILITY OF FUNDS

Of the amounts authorized to be appropriated pursuant to section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program established under chapter 172 of title 10, United States Code, as added by section 1001. To the extent provided in appropriation Acts, the amount made available by this section shall remain available until expended.

Military Construction Authorization Act for Fiscal Year 1991.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1991".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS INSIDE THE UNITED STATES

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $93,100,000.

Redstone Arsenal, $14,400,000.
Fort Rucker, $3,400,000.

ALASKA

Fort Wainwright, $13,900,000.

ARIZONA

Fort Huachuca, $1,050,000.

ARKANSAS

Pine Bluff Arsenal, $1,600,000.

CALIFORNIA

ort Irwin, $4,200,000.
ort Ord, $7,400,000.

COLORADO

ort Carson, $23,500,000.
alcon Air Force Base, $1,450,000.

GEORGIA

ort Benning, $10,880,000.
ort Gordon, $10,600,000.
ort Stewart, $1,650,000.

HAWAII

hofield Barracks, $9,700,000.

INDIANA

rt Benjamin Harrison, $5,600,000.

KANSAS

rt Leavenworth, $34,000,000.
rt Riley, $14,900,000.

KENTUCKY

rt Campbell, $2,300,000.
rt Knox, $25,400,000.

LOUISIANA

rt Polk, $22,000,000.

MARYLAND

rdeen Proving Ground, $45,100,000.
t Detrick, $530,000.

MISSOURI

t Leonard Wood, $12,750,000.

NEW YORK

t Drum, $9,408,000.

NORTH CAROLINA

t Bragg, $60,070,000.

OKLAHOMA

Fort Sill, $25,150,000.

PENNSYLVANIA

Carlisle Barracks, $26,200,000.
Fort Indiantown Gap, $6,350,000.
Tobyhanna Army Depot, $6,800,000.

SOUTH CAROLINA

Fort Jackson, $1,600,000.

TEXAS

Camp Swift, $100,000.
Fort Bliss, $20,000,000.
Fort Hood, $43,269,000.
Fort Sam Houston, $33,700,000.

UTAH

Dugway Proving Ground, $450,000.
Tooele Army Depot, $11,800,000.

VIRGINIA

Fort A. P. Hill, $3,200,000.
Fort Belvoir, $2,500,000.
Fort Eustis, $530,000.
Fort Lee, $520,000.
Fort Myer, $2,150,000.
Fort Story, $1,600,000.

WASHINGTON

Fort Lewis, $18,000,000.

WISCONSIN

Fort McCoy, $24,400,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army
acquire real property and may carry out military constru
projects in the amounts shown for each of the following installa
and locations outside the United States.

GERMANY

Kaiserslautern, $5,000,000.
Various, $2,500,000.

KOREA

K-16 Airfield, $1,500,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the
may construct or acquire family housing units (including
using amounts appropriated pursuant to section 2104(a)(7)(A), a

following location, in the number of units shown, and in the amount shown:

Hawaii, Oahu, Various Locations, one hundred and thirty-eight units, $15,000,000.

Kansas, Fort Riley, two hundred and four units, $12,500,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,700,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), improve existing military family housing in an amount not to exceed $44,100,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,285,237,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $582,207,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $9,000,000.

(3) For the construction of the Ammunition Demilitarization Facility, Phase II, Tooele Army Depot, Utah, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2088), $49,400,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $7,603,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $89,577,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $10,400,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $74,300,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,457,650,000, of which not more than $434,316,000 may be obligated or expended for the leasing of military family housing worldwide.

(8) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this division may not exceed the total amount—

(1) authorized to be appropriated under paragraphs (1
of subsection (a); and

(2) $78,000,000 (the balance of the amount authorize
section 2101(a) for the construction of the Ammunition
tarization Facility, Anniston Army Depot, Alabama).

SEC. 2105. AMMUNITION DEMILITARIZATION FACILITY, TOOEL DEPOT, UTAH

(a) Project Amount.—Section 2101(a) of the Military C
tion Authorization Act, 1989 (division B of Public Law 100-
Stat. 2088) is amended by striking out "Tooele Army
$92,300,000." and inserting in lieu thereof "Tooele Army
$141,700,000.".

(b) Title Total.—Section 2105(b) of such Act (102 Stat.
amended—

(1) by striking out the period at the end of paragrap
inserting in lieu thereof "; and"; and

(2) by adding after paragraph (2) the following:

"(3) $49,400,000 (the balance of the amount authorize
section 2101(a) for the construction of the Ammunition
tarization Facility, Tooele Army Depot, Utah).".

SEC. 2106. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATION

(a) Extension of Authorization of Certain Fiscal Ye
Project.—Notwithstanding the provisions of section 606(a
Military Construction Authorization Act, 1986 (Public Law
99 Stat. 982), authorizations for the following project autho
section 102 of that Act, as extended by section 2105(b) of the
Construction Authorization Act, 1988 and 1989 (division B o
Law 100-180; 101 Stat. 1185), section 2106(b) of the
Construction Authorization Act, 1989 (division B of Public L
456; 101 Stat. 2092), and section 2105(b) of the National
Authorization Act for Fiscal Years 1990 and 1991 (divisi
Public Law 101-189; 103 Stat. 1619), shall remain in effe
October 1, 1991, or the date of enactment of an Act aut
funds for military construction for fiscal year 1992, whic
later:

Family housing, new construction, six units, in the an
$596,000 at Fort Myer, Virginia.

(b) Extension of Authorization of Certain Fiscal Ye
Project.—Notwithstanding the provisions of section 2171(a
Military Construction Authorization Act, 1988 and 1989 (di
of Public Law 100-180, 101 Stat. 1206), authorizations
following project authorized in section 2102 of that Act, as e
by section 2105(d) of the National Defense Authorization
Fiscal Years 1990 and 1991 (division B of Public Law 101-
Stat. 1619) shall remain in effect until October 1, 1991, or the
enactment of an Act authorizing funds for military construc
fiscal year 1992, whichever is later:

Family housing, new construction, twenty-five units
amount of $2,200,000 at Fort A.P. Hill, Virginia.

(c) Extension of Authorization of Certain Fiscal Ye
Projects.—Notwithstanding the provisions of section 2701(a
Military Construction Authorization Act, 1989 (Public Law
102 Stat. 2115), authorizations for the following projects au
in sections 2101 and 2102 of that Act shall remain in effe
October 1, 1991, or the date of enactment of an Act aut

funds for military construction for fiscal year 1992, whichever is later:

(1) Land acquisition in the amount of $410,000 at Fort Rucker, Alabama.

(2) Battalion Headquarters in the amount of $2,300,000 at Fort Wainwright, Alaska.

(3) Test and Evaluation Center in the amount of $5,400,000 at Fort Huachuca, Arizona.

(4) Chemical area security upgrade in the amount of $3,050,000 at Pine Bluff Arsenal, Arkansas.

(5) Chemical area security upgrade in the amount of $3,200,000 at Pueblo Depot Activity, Colorado.

(6) Chemical area security upgrade in the amount of $770,000 at Lexington-Blue Grass Depot Activity, Kentucky.

(7) Regional sewage system connection in the amount of $2,500,000 at United States Military Academy, New York.

(8) Chemical area security upgrade in the amount of $3,600,000 at Umatilla Depot Activity, Oregon.

(9) Industrial waste treatment plant in the amount of $1,900,000 at Letterkenny Army Depot, Pennsylvania.

(10) Chemical area security upgrade in the amount of $5,700,000 at Tooele Army Depot, Utah.

(11) Central wash facility in the amount of $4,000,000 at Fort Pickett, Virginia.

(12) Petroleum Field Training Center in the amount of $4,800,000 at Fort Lee, Virginia.

(13) Operations facility in the amount of $5,300,000 at Location 276 (Turkey).

(14) Intermediate staging facility in the amount of $11,300,000 at unspecified foreign location.

(15) Pre-positioned war material facilities in the amount of $4,450,000 at unspecified foreign locations.

(16) Family housing, new construction, one hundred and eight units, in the amount of $9,100,000 at Fort Bliss, Texas.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Air Station, $4,250,000.
Adak, Naval Security Group Activity, $3,000,000.
Amchitka, Fleet Surveillance Support Command, $31,000,000.

ARIZONA

Yuma, Marine Corps Air Station, $3,720,000.

CALIFORNIA

Bridgeport, Mountain Warfare Training Center, $11,300,000.
Camp Pendleton, Amphibious Task Force, $8,470,000.

Camp Pendleton, Marine Corps Air Station, $4,110,000.
Camp Pendleton, Marine Corps Base, $19,910,000.
China Lake, Naval Weapons Center, $17,585,000.
Corona, Naval Weapons Station, Seal Beach Annex, $8,870,000.
El Toro, Marine Corps Air Station, $6,980,000.
Lemoore, Naval Air Station, $900,000.
Long Beach, Naval Station, $3,520,000.
Miramar, Naval Air Station, $9,010,000.
Monterey, Naval Postgraduate School, $8,810,000.
North Island, Naval Air Station, $1,510,000.
Point Mugu, Pacific Missile Test Center, $2,070,000.
Port Hueneme, Naval Construction Battalion Center, $2,010,000.
Port Hueneme, Naval Ship Weapon Systems Engineering Station, $10,150,000.
San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $8,950,000.
San Diego, Naval Ocean Systems Center, $11,760,000.
San Diego, Naval Submarine Base, $4,670,000.
San Diego, Naval Supply Center, $8,800,000.
San Diego, Naval Training Center, $15,229,000.
San Diego, Navy Public Works Center, $3,320,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $10,820,000.

CONNECTICUT

New London, Naval Submarine Base, $22,500,000.
New London, Naval Submarine School, $18,990,000.

DISTRICT OF COLUMBIA

Washington, Naval Research Laboratory, $9,850,000.

FLORIDA

Jacksonville, Naval Air Station, $9,140,000.
Jacksonville, Naval Aviation Depot, $14,670,000.
Key West, Naval Air Station, $7,030,000.
Mayport, Fleet Training Center, $4,300,000.
Mayport, Naval Station $4,950,000.
Orlando, Naval Training Center, $10,960,000.
Panama City, Naval Coastal Systems Center, $4,330,000.
Pensacola, Navy Public Works Center, $3,460,000.

GEORGIA

Albany, Marine Corps Logistics Base, $1,360,000.
Kings Bay, Naval Submarine Base, $77,475,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, $1,650,000.
Lualualei, Naval Magazine, $1,660,000.
Pearl Harbor, Commander Oceanographic System Pacific, $12,780,000.
Pearl Harbor, Naval Submarine Base, $2,010,000.
Pearl Harbor, Navy Public Works Center, $6,940,000.

ILLINOIS

Great Lakes, Naval Training Center, $2,170,000.
Great Lakes, Navy Public Works Center, $2,460,000.

INDIANA

Crane, Naval Weapons Support Center, $13,520,000.

KENTUCKY

Louisville, Naval Ordnance Station, $5,660,000.

MAINE

Kittery, Portsmouth Naval Shipyard, $38,182,000.

MARYLAND

Bethesda, National Naval Medical Center, $9,040,000.
Indian Head, Naval Ordnance Station, $12,430,000.
Patuxent River, Naval Air Test Center, $11,040,000.
Patuxent River, Naval Hospital, $2,510,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $4,020,000.

MISSISSIPPI

Gulfport, Naval Construction Training Center, $8,710,000.

NEW JERSEY

Earle, Naval Weapons Station, $85,400,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $29,170,000.
Cherry Point, Marine Corps Air Station, $13,950,000.

PENNSYLVANIA

Warminster, Naval Air Development Center, $10,770,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $7,430,000.
Newport, Naval Underwater Support Center, $13,700,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $6,700,000.
Charleston, Naval Station, $720,000.
Charleston, Naval Weapons Station, $27,030,000.
Parris Island, Marine Corps Recruit Depot, $3,410,000.

TEXAS

Lackland Air Force Base, Naval Technical Training Center Detachment, $11,850,000.

VIRGINIA

Arlington, Headquarters Marine Corps, $2,810,000.

Dahlgren, Naval Space Surveillance System, $9,850,000.
Dam Neck, Fleet Combat Direction Systems Support Activity
$6,500,000.
Little Creek, Naval Amphibious Base, $22,870,000.
Little Creek, Naval Amphibious School, $2,600,000.
Norfolk, Fleet Training Center, $16,080,000.
Norfolk, Naval Station, $10,950,000.
Norfolk, Navy Public Works Center, $4,020,000.
Norfolk, Naval Shipyard, $14,600,000.
Oceana, Naval Air Station, $3,670,000.
Quantico, Marine Corps Combat Development Command
$34,114,000.
Quantico, Naval Research Laboratory Annex, $2,600,000.
Wallops Island, AEGIS Combat Systems Center, $5,490,000

WASHINGTON

Bangor, Trident Refit Facility, $3,020,000.
Bangor, Trident Training Facility, $3,610,000.
Bremerton, Puget Sound Naval Shipyard, $22,000,000
Everett, Naval Station, $22,267,000.
Keyport, Naval Undersea Warfare Engineering Station
$18,590,000.
Oak Harbor, Naval Hospital, $2,180,000.
Silverdale, Strategic Weapons Facility Pacific, $56,480,000
Whidbey Island, Naval Facility, $1,750,000.

VARIOUS LOCATIONS

Land Acquisition, $4,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GUAM

Naval Magazine, $9,319,000.
Navy Public Works Center, $7,500,000.

ICELAND

Keflavik, Naval Air Station, $2,440,000.

ITALY

Sicily, Naval Communication Station, $1,513,000.
Sigonella, Naval Air Station, $8,390,000.

SPAIN

Rota, Naval Communication Station, $1,105,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $1,000,000.

SEC. 2202. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(7)(A) onstruct or acquire family housing units (including land), at the ollowing installations in the number of units shown, and in the mount shown, for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred and sixteen units, $11,805,000.

Long Beach, Naval Station, California, three hundred units, $24,928,000.

San Diego, Navy Public Works Center, California, three hundred units, $31,880,000.

Fallon Naval Air Station, Nevada, eighty units, $10,500,000.

Little Creek, Naval Amphibious Base, Virginia, Family Housing Office, $372,000.

Norfolk, Navy Public Works Center, Virginia, two Community Centers, $834,000.

Guantanamo Bay, Naval Station, Cuba, one hundred and thirty-four units, $18,409,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, $27,479,000.

b) PLANNING AND DESIGN.—The Secretary of the Navy may, using mounts appropriated pursuant to section 2205(a)(7)(A), carry out rchitectural and engineering services and construction design ctivities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

C. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to ction 2205(a)(7)(A), improve existing military family housing units the amount of $42,420,000.

EC. 2204. DEFENSE ACCESS ROADS

The Secretary of the Navy may, using amounts appropriated ursuant to section 2205(a)(6), make advances to the Secretary of ansportation for the construction of defense access roads under ction 210 of title 23, United States Code, at the following locations nd in the following amounts:

Naval Station, Charleston, South Carolina, $2,000,000.

Various locations, $4,017,000.

EC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY

a) IN GENERAL.—Funds are hereby authorized to be appropriated r fiscal years beginning after September 30, 1990, for military nstruction, land acquisition, and military family housing funcons of the Department of the Navy in the total amount of 2,014,223,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $959,802,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $31,267,000.

(3) For the construction of the Headquarters Building, Naval Intelligence Command Headquarters, Suitland, Maryland, as authorized by section 2201(a) of the Military Construction Authorization Act, 1989, $55,048,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,311,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,951,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $6,017,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $174,827,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $697,000,000, of which not more than $53,775,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this division may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $65,300,000 (the balance of the amount authorized under section 2201(a) for the construction of trestles replacement at Naval Weapons Station, Earle, New Jersey).

SEC. 2206. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) Extension of Authorization of Certain Fiscal Year 198 Projects.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2121 of that Act, as extended by section 2205 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1628), shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Physical security improvements in the amount of $2,460,000 at the Naval Air Station, Sigonella, Italy.

(2) Cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddelena, Italy.

(b) Extension of Certain Previous Authorization of Certain Fiscal Year 1989 Projects.—Notwithstanding the provisions of section 2701(a) of the Military Construction Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in sections 2201 and 2202 of that Act shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Community Center in the amount of $1,046,000 at Marine Corps Air Station, Tustin, California.

(2) Child Care Center in the amount of $1,930,000 at Marine Corps Air-Ground Combat Center, Twentynine Palms, California.

(3) Fire Station in the amount of $2,500,000 at Mare Island Naval Shipyard, Vallejo, California.

(4) Controlled Industrial Facility in the amount of $11,250,000 at Naval Submarine Base, Pearl Harbor, Hawaii.

(5) Forward Training Area in the amount of $8,280,000 at Marine Corps Air Station, Cherry Point, North Carolina.

(6) Aircraft maintenance facility in the amount of $8,370,000 at Naval Air Station, Whidbey Island, Washington.

(7) Support facility upgrade in the amount of $6,470,000 at Naval Support Facility, Antigua.

(8) Fire safety system in the amount of $1,950,000 at Naval Supply Depot, Guam.

(9) Electronic installation in the amount of $20,972,000 at Fleet Surveillance Support Group, Guam.

(10) Power plant in the amount of $27,770,000 at Navy Public Works Center, Subic Bay, Philippines.

(11) Family housing, new construction, three hundred units, in the amount of $26,110,000 at Naval Station, Long Beach, California.

TITLE XXIII—AIR FORCE

C 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

a) Inside the United States.—The Secretary of the Air Force y acquire real property and may carry out military construction jects in the amounts shown for each of the installations and ations inside the United States:

ALABAMA

unter Air Force Base, $20,100,000.
laxwell Air Force Base, $22,500,000.

ALASKA

lear Air Force Station, $5,000,000.
ielson Air Force Base, $12,400,000.
lmendorf Air Force Base, $8,900,000.
aiena Airport, $8,700,000.
ing Salmon Airport, $2,500,000.
hemya Air Force Base, $47,400,000.
arious Locations, $11,000,000.

ARIZONA

illiams Air Force Base, $3,650,000.

ARKANSAS

ittle Rock Air Force Base, $5,300,000.

CALIFORNIA

eale Air Force Base, $6,300,000.
astle Air Force Base, $8,200,000.
dwards Air Force Base, $23,600,000.
arch Air Force Base, $1,050,000.
cClellan Air Force Base, $11,200,000.
erra Army Depot, $3,650,000.
ravis Air Force Base, $10,800,000.
andenberg Air Force Base, $29,200,000.

COLORADO

Air Force Academy, $3,000,000.
Falcon Air Force Station, $710,000.
Lowry Air Force Base, $4,550,000.
Peterson Air Force Base, $4,050,000.

FLORIDA

Avon Park Range, $700,000.
Cape Canaveral Air Force Station, $5,353,000.
Eglin Air Force Base, $4,700,000.
Homestead Air Force Base, $7,900,000.
MacDill Air Force Base, $12,250,000.

GEORGIA

Moody Air Force Base, $4,400,000.
Robins Air Force Base, $21,200,000.

HAWAII

Hickam Air Force Base, $11,420,000.
Wheeler Air Force Base, $3,500,000.

IDAHO

Mountain Home Air Force Base, $1,350,000.

ILLINOIS

Scott Air Force Base, $10,060,000.

INDIANA

Grissom Air Force Base, $4,500,000.

KANSAS

McConnell Air Force Base, $9,100,000.

LOUISIANA

Barksdale Air Force Base, $8,530,000.

MAINE

Bangor Air National Guard Base, $970,000.

MARYLAND

Andrews Air Force Base, $6,900,000.
Fort George G. Meade, $1,800,000.

MASSACHUSETTS

Hanscom Air Force Base, $3,800,000.

MICHIGAN

K.I. Sawyer Air Force Base, $2,700,000.
Wurtsmith Air Force Base, $960,000.

MISSISSIPPI

Columbus Air Force Base, $3,100,000.

MISSOURI

Whiteman Air Force Base, $62,400,000.

NEBRASKA

Offutt Air Force Base, $2,600,000.

NEVADA

Indian Springs Auxiliary Field, $2,550,000.
Nellis Air Force Base, $12,520,000.

NEW JERSEY

McGuire Air Force Base, $7,850,000.

NEW MEXICO

Holloman Air Force Base, $78,010,000.
Kirtland Air Force Base, $4,200,000.

NEW YORK

Griffiss Air Force Base, $4,500,000.
Plattsburgh Air Force Base, $1,200,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, $2,502,000.

NORTH DAKOTA

Grand Forks Air Force Base, $8,850,000.
Minot Air Force Base, $3,600,000.

OHIO

Newark Air Force Base, $5,100,000.
Wright-Patterson Air Force Base, $10,150,000.

OKLAHOMA

Altus Air Force Base, $21,700,000.
Tinker Air Force Base, $56,950,000.
Vance Air Force Base, $400,000.

SOUTH CAROLINA

Charleston Air Force Base, $14,090,000.
Shaw Air Force Base, $3,000,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $13,150,000.

TEXAS

Brooks Air Force Base, $4,100,000.
Carswell Air Force Base, $12,616,000.
Dyess Air Force Base, $7,550,000.
Goodfellow Air Force Base, $980,000.
Kelly Air Force Base, $10,300,000.
Lackland Air Force Base, $22,500,000.
Laughlin Air Force Base, $1,820,000.
Randolph Air Force Base, $1,750,000.
Reese Air Force Base, $5,090,000.
Sheppard Air Force Base, $8,400,000.

UTAH

Hill Air Force Base, $25,300,000.

VIRGINIA

Langley Air Force Base, $600,000.

WASHINGTON

Fairchild Air Force Base, $11,200,000.
McChord Air Force Base, $5,200,000.

WYOMING

F.E. Warren Air Force Base, $4,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ANTIGUA

Antigua Air Station, $8,200,000.

CANADA

Various locations, $6,300,000.

GREENLAND

Thule Air Base, $6,300,000.

JAPAN

Kadena Air Base, $2,950,000.

KOREA

Osan Air Base, $3,500,000.

SEYCHELLES ISLANDS

Mahe Missile Tracking Site, $4,600,000.

TURKEY

Incirlik Air Base, $1,100,000.
Pirinclik Air Station, $1,250,000.

best copy available

pages tightly bound

SEC. 2302. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land) using amounts appropriated pursuant to section 2304(a)(7)(A), at the following installations in the amounts shown for each installation:

Nellis Air Force Base, Nevada, thirteen units, $1,600,000.

Nellis Air Force Base, Nevada, housing office, $235,000.

Holloman Air Force Base, New Mexico, housing maintenance facility, $219,000.

Seymour-Johnson Air Force Base, North Carolina, housing office, $365,000.

Charleston Air Force Base, South Carolina, housing office and maintenance facility, $592,000.

Myrtle Beach Air Force Base, South Carolina, housing office, $258,000.

Ellsworth Air Force Base, South Dakota, housing office, $313,000.

Andersen Air Force Base, Guam, housing and storage facility, $1,371,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,000,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed $172,012,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,954,059,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $777,081,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $34,200,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), and as amended by section 2307 of the Military Construction Authorization Act, 1990, Public Law 101-189, $66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $10,272,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $107,741,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $9,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $182,965,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $766,800,000, of which not more than $110,911,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this division may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $39,000,000 (the balance of the amount authorized for the construction of support facilities for the 37th Tactical Fighter Wing at Holloman Air Force Base, New Mexico).

(c) **LIMITATION.**—None of the funds appropriated pursuant to the authorization in subsection (a)(1) may be expended for the construction of support facilities for the 37th Tactical Fighter Wing at Holloman Air Force Base, New Mexico, until after the 21-day period referred to in section 2308.

(d) **AUTHORIZED EXPENDITURE.**—Of the funds appropriated pursuant to subsection (a)(4), the Secretary of the Air Force may expend not more than $332,000 to purchase a facility at the operation and test evaluation center at Edwards Air Force Base, California.

SEC. 2305. AUTHORIZATION OF A FACILITY

The Secretary of the Air Force may acquire at no cost an existing building constructed on Eglin Air Force Base, Florida, in 1986 as part of a three-year incrementally funded research, development, test and evaluation contract.

SEC. 2306. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN MILITARY CONSTRUCTION PROJECT

(a) **IN GENERAL.**—Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) is amended by striking out the following: 103 Stat. 1630.

"WYOMING

"F.E. Warren Air Force Base, $104,850,000.".

(b) **CONFORMING AMENDMENTS.**—Section 2304(a) of such Act is amended—

(1) by striking out "$2,193,638,000" and inserting in lieu thereof "$2,103,788,000"; and

(2) in paragraph (1), by striking out "$945,836,000" and inserting in lieu thereof "$855,986,000".

(c) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of acquiring real property and carrying out military construction projects for which authority is provided under section 2301 of this Act, the Secretary of the Air Force may, to the extent provided in appropriation Acts, use funds that have been appropriated for the project to which subsection (a) is applicable.

SEC. 2307. DESIGNATION OF INSTALLATION

The Secretary of the Air Force shall provide that the installation which receives the last operational upgrade for the Minuteman II missile system shall be the installation from which the last Minuteman II missile is retired.

SEC. 2308. RESTRICTION ON RELOCATION OR REALIGNMENT AT TONOPAH RESEARCH SITE, NEVADA

None of the funds available to the Department of Defense during fiscal year 1991 may be used, directly or indirectly, to transfer, realign, relocate, or otherwise diminish any part of the 37th Tactical Fighter Wing at the Tonopah Research Site, Nevada, until after the 21-day period beginning on the date on which the Secretary of the Air Force transmits to the congressional defense committees a certification that any such action to be taken with respect to such Tactical Fighter Wing will be effective in meeting the Wing's mission and in reducing overall cost to the Air Force, taking into consideration the basing of units of the Air Force proposed in the multi-year defense plan in effect at the time of the certification. The Secretary shall include in any such certification an explanation and justification of the reasons for such conclusion.

SEC. 2309. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF A CERTAIN FISCAL YEAR 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), authorization for the following project authorized in section 2301 of that Act, as extended by section 2305 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

KC-135 CPT Simulator Facility in the amount of $890,000 at Beale Air Force Base, California.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2108), authorizations for the following projects authorized in sections 2301 and 2303 of that Act shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) F-111 Avionics Facility in the amount of $1,300,000 at Cannon Air Force Base, New Mexico.

(2) Aircraft Operational Apron-Phase I in the amount of $4,950,000; Intelligence Facility-Phase II in the amount of $2,250,000; Special Operations Forces Helicopter Maintenance Facility in the amount of $4,100,000; Special Operations Forces Hangar/Nose Dock in the amount of $2,100,000; and Special Operations Forces Hydrant Fueling System in the amount of $800,000 at Clark Air Base, Philippines.

(3) Defense Language Institute Language Training Laboratory in the amount of $12,000,000 at Lackland Air Force Base, Texas.

(4) Land Acquisition in the amount of $2,300,000 at Altus Air Force Base, Oklahoma.

(5) Alter Technical Training Management Facility in th amount of $1,750,000 at Randolph Air Force Base, Texas.

(6) Alter and Expand Headquarters Data Center, in th amount of $576,000 at Patrick Air Force Base, Florida.

(7) Security Police Complex, in the amount of $2,300,000 a McGuire Air Force Base, New Jersey.

(8) Over the Horizon-Backscatter (OTH-B) Operations Building in the amount of $17,500,000 at Elmendorf Air Force Base, Alaska.

(9) Fire Training Area in the amount of $2,200,000 at Peterson Air Force Base, Colorado.

(10) Alter Combat Intelligence Operations Center in the amount of $1,000,000 at Ramstein Air Base, Germany (authorized as part of Classified Locations in the amount of $16,473,000).

(11) Solid State Uninterrupted Power Supply in the amount of $1,300,000 at Ramstein Air Base, Germany.

(12) Add to and Alter Aircraft Support Equipment Shop in the amount of $2,850,000 at Shemya Air Force Base, Alaska.

(13) Post Office in the amount of $550,000 at Incirlik, Turkey.

(14) F-16 Aircraft Maintenance Unit Facility in the amount of $2,800,000 at Osan Air Base, Korea.

(15) Improve Military Family Housing, Phase II, in the amount of $4,018,000 at Bolling Air Force Base, District of Columbia.

(16) Improve On-Base Housing in the amount of $3,207,000 at McClellan Air Force Base, California.

(17) Off-Street Parking, Site Improvements in the amount of $1,919,000 at Scott Air Force Base, Illinois.

(18) Improve Family Housing, Phase I, in the amount of $7,869,000 at Carswell Air Force Base, Texas.

(19) Improve 16 Family Housing Units in the amount of $600,000 at Carswell Air Force Base, Texas.

(20) Modernize Capehart Housing, Phase IV, in the amount of $4,373,000 at K.I. Sawyer Air Force Base, Michigan.

(21) Improve Capehart Housing, Phase I, in the amount of $10,600,000 at Plattsburgh Air Force Base, New York.

(22) Improve General Officers Quarters in the amount of $74,000 at Peterson Air Force Base, Colorado.

(23) Upgrade Capehart Military Family Housing, Phase II, in the amount of $6,006,000 at Holloman Air Force Base, New Mexico.

(24) Improve Family Housing in the amount of $2,278,000 at Keesler Air Force Base, Mississippi.

(25) Addition to Physical Fitness Center in the amount of $3,800,000 at Peterson Air Force Base, Colorado.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Wheeler Air Force Base, Hawaii, $1,491,000.
Arlington Service Center, Virginia, $2,664,000.

DEFENSE LOGISTICS AGENCY

Defense Reutilization and Marketing Office, Anniston Army Depot, Alabama, $2,370,000.
Defense Depot, Tracy, California, $1,700,000
Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, $2,850,000.
Defense Reutilization and Marketing Office, Fort Meade, Maryland, $9,500,000.
Defense Depot, Mechanicsburg, Pennsylvania, $18,100,000.
Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,940,000.
Defense Reutilization and Marketing Office, Fort Jackson, South Carolina, $500,000.
Defense Depot, Memphis, Tennessee, $14,900,000.
Defense General Supply Center, Richmond, Virginia, $7,000,000.
Defense Reutilization and Marketing Office, F.E. Warren Air Force Base, Wyoming, $1,700,000.

DEFENSE MEDICAL FACILITIES OFFICE

Marine Corps Base, Camp Pendleton, California, $1,750,000.
Walter Reed Army Medical Center, District of Columbia, $4,000,000.
MacDill Air Force Base, Florida, $2,900,000.
Fort Benning, Georgia, $2,000,000.
Tripler Army Medical Center, Hawaii $2,200,000.
Fort Riley, Kansas, $1,050,000.
Marine Corps Base, Camp Lejeune, North Carolina, $3,200,000.
Altus Air Force Base, Oklahoma, $500,000.
Philadelphia Naval Shipyard, Pennsylvania, $11,600,000.
Lackland Air Force Base, Texas, $2,250,000.
Cheatham Annex, Virginia, $6,500,000.
Dam Neck Flight Center, Virginia, $4,050,000.
Fort Lee, Virginia, $4,850,000.
Marine Corps Base, Quantico, Virginia, $2,450,000.

DEFENSE NUCLEAR AGENCY

White Sands Missile Range, New Mexico, $45,000,000.

NATIONAL SECURITY AGENCY

Fort George C. Meade, Maryland, $16,046,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $4,182,000.
Uniformed Services University of the Health Sciences, Bethesda, Maryland, $800,000.
Classified Locations, $26,600,000.

SECTION VI SCHOOLS

Fort Benning, Georgia, $9,400,000.
Dahlgren, Naval Surface Warfare Center, Virginia, $1,360,000.

SPECIAL OPERATIONS COMMAND

Coronado Naval Amphibious Base, California, $21,020,000.
Eglin Air Force Base, Florida, $11,750,000.
Fort Stewart/Hunter Army Air Field, Georgia, $4,900,000.
Norristown Army Reserve Center, Pennsylvania, $2,598,000.
Dam Neck Marine Environmental Facility, Virginia, $9,160,000.
Classified Location, $2,747,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Barking Sands Pacific Missile Range, Hawaii, $3,870,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Rhein-Main Air Base, Germany, $870,000.
Camp Casey, Korea, $1,000,000.
Sinop, Turkey, $1,750,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $8,595,000.

NATIONAL SECURITY AGENCY

Classified Location, $2,375,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $7,800,000.

SEC. 2402. FAMILY HOUSING

The Secretary of Defense may construct or acquire three family housing units (including land), using amounts appropriated pursuant to section 2405(a)(13)(A), at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(13)(A), improve existing military family housing units in an amount not to exceed $100,000.

SEC. 2404. CONFORMING STORAGE FACILITIES

100 Stat. 4037. Section 2404(a) of the Military Construction Authorization Act, 1987 (Public Law 99-661) is amended to read as follows:

"(a) AUTHORITY.—The Secretary of Defense may carry out military construction projects not otherwise authorized by law for

nforming storage facilities using funds appropriated for such
urpose.”.

EC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated
r fiscal years beginning after September 30, 1990, for military
nstruction, land acquisition, and military family housing func-
ons of the Department of Defense (other than the military depart-
ents), in the total amount of $1,656,078,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $275,448,000.

(2) For military construction projects outside the United States authorized in section 2401(b), $22,390,000.

(3) For military construction projects at Nellis Air Force Base, Nevada, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $56,000,000.

(4) For military construction projects at Fort Sill, Oklahoma, authorized by section 2401(a) of the Military Construction Authorization Act, 1989, $10,400,000.

(5) For an energy conservation program, $30,000,000.

(6) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, $50,000,000.

(7) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $40,000,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,955,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(10) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $104,285,000.

(11) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $1,016,500,000.

(12) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, $5,000,000.

(13) For military family housing functions:

(A) For construction and acquisition of military family housing facilities, $500,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $20,600,000, of which not more than $17,897,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Not-
ithstanding the cost variations authorized by section 2853 of title
, United States Code, and any other cost variations authorized by
w, the total cost of all projects carried out under section 2401 may
t exceed the total amount authorized to be appropriated under
ragraphs (1) and (2) of subsection (a).

SEC. 2406. MEDICAL FACILITY, NELLIS AIR FORCE BASE, NEVADA

(a) PROJECT AMOUNT.—The item listed under the heading "Defense Medical Facilities Office" in section 2401 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) is amended by striking out "Nellis Air Force Base, Nevada, $62,000,000." and inserting in lieu thereof "Nellis Air Force Base, Nevada, $66,000,000.".

(b) TITLE TOTAL.—Section 2405(b)(3) of such Act is amended by striking out "$52,000,000" and inserting in lieu thereof "$56,000,000".

SEC. 2407. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), the authorizations for the following projects in section 2401(a) of that Act, shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Road Improvements, in the amount of $4,370,000 at National Security Headquarters, Fort Meade, Maryland.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), authorizations for the following project authorized in section 2401 of that Act shall remain in effect until October 1, 1991, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

Laboratory/Pharmacy Addition, Fort Leonard Wood, Missouri, $1,450,000.

(2) Hospital Life Safety Upgrade, Corpus Christi Naval Air Station, Texas, $6,100,000.

(3) Hospital Life Safety Upgrade, Dyess Air Force Base, Texas, $950,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) IN GENERAL.—The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) funds made available for the North Atlantic Treaty Organization Infrastructure program should be used primarily for—

(A) verifying or implementing the terms of conventional arms control agreements;

(B) recoupment owed by the United States for projects completed before the date of the enactment of this Act; and

(C) the completion of any construction project the construction of which began before October 1, 1990; and

(2) the United States should work in consultation with the other countries of the North Atlantic Treaty Organization to restructure such program in such a manner that the funds provided to the program by the Secretary of Defense will be expended primarily for the purposes referred to in paragraph (1).

EC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years eginning after September 30, 1990, for contributions by the Sec- etary of Defense under section 2806 of title 10, United States Code, r the share of the United States of the cost of projects for the orth Atlantic Treaty Organization Infrastructure program as au- orized by section 2501, in the amount of $192,700,000.

EC. 2503. STUDY AND REPORT BY THE SECRETARY OF DEFENSE

(a) In General.—(1) The Secretary of Defense shall conduct a udy to determine the feasibility and desirability of permitting the orth Atlantic Treaty Organization to utilize, for training and ercise purposes, military installations in the United States being osed by the Department of Defense under other provisions of law.

(2) In carrying out such a study, the Secretary shall consider—

(A) the exact purposes for which such installations could be appropriately and effectively used by NATO; and

(B) the manner in which NATO would pay for the use of such installations.

(b) Report.—The Secretary shall transmit, by not later than arch 15, 1991, to the Committees on Armed Services of the Senate d House of Representatives a report containing the results of the udy required by subsection (a), together with such comments and commendations as the Secretary considers appropriate.

ITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

C. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

There are authorized to be appropriated for fiscal years beginning ter September 30, 1990, for the costs of acquisition, architectural d engineering services, and construction of facilities for the Guard d Reserve Forces, and for contributions therefor, under chapter 3 of title 10, United States Code (including the cost of acquisition land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $297,544,000; and

(B) for the Army Reserve, $76,126,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $80,307,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $172,340,000; and

(B) for the Air Force Reserve, $37,700,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS

(a) Expiration of Authorizations After Two Years.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure program (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later.

(b) Exception.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure program.

TITLE XXVIII—GENERAL PROVISIONS

Part A—Construction, Leasing, Improvements, Disposal, and Utilization of Military Installations and Facilities

SEC. 2801. DUAL BASING

(a) Definition.—In this section—

(1) the term "dual basing" means the stationing of units of the Armed Forces on a permanent basis at military installations inside the United States with rotating short-term assignments to military installations outside the United States for purposes of training, carrying out exercises, meeting obligations to other nations, or carrying out other international security responsibilities of the United States; and

(2) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(b) Sense of Congress.—It is the sense of the Congress that dual basing has significant potential for being an effective and efficient method by which this Nation can reduce its defense spending and also meet its world-wide security responsibilities and assist in reducing tension and increasing stability internationally.

(c) Report.—The Secretary of Defense shall carry out a study of the manner in which dual basing could be implemented and shall transmit, by no later than March 15, 1991, to the Committees on Armed Services of the Senate and the House of Representatives a report containing a detailed description of how dual basing could be implemented, together with an assessment of the scheduling, costs, benefits, and difficulties involved in such an implementation as compared to the methods of basing military personnel used by the military departments on the date of the enactment of this Act.

SEC. 2802. LIMITATION ON CONSTRUCTION AT CROTONE, ITALY

(a) In General.—None of the funds available to the Department of Defense, including contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, may be obligated or expended (whether obligated before the date of enactment of this Act or not) in connection with relocating functions of the Department of Defense located at Torrejon Air Force Base, Madrid, Spain, on June 15, 1989, to Crotone, Italy, or any other location outside the United States until the Secretary of Defense makes the certification and files the information required in subsection (b)(2).

President.

(b) Consideration and Certification.—(1) Promptly after the date of enactment of this Act, the President shall notify the other member nations of the North Atlantic Treaty Organization that the United States seeks to have placed on the agenda of the next meeting of the North Atlantic Council of NATO the following questions:

(A) In light of the changed threat to NATO, is the retention of the 401st Tactical Fighter Wing in the Southern Region of NATO necessary?

(B) In light of the changes in Europe, is continuation of construction of a new airbase at Crotone, Italy, desirable?

(C) Are there existing airbases in NATO, and particularly in the Southern Region of NATO, which could serve as an adequate base for the 401st Tactical Fighter Wing, rendering construction of a new base unnecessary?

(D) Will the United States be authorized to use American aircraft based at Crotone, Italy, for military missions outside of the European theatre?

(2) After the North Atlantic Council of NATO meets, considers the questions listed in paragraph (1), and passes a resolution endorsing continuation of construction of a new airbase at Crotone, Italy, the Secretary of Defense shall certify to the congressional defense committees that such has occurred and shall transmit, along with such certification, a copy of the resolution adopted by the North Atlantic Council and a summary of the debate concerning each of the questions contained in paragraph (1).

SEC. 2803. RESTRICTIONS ON LEASING IN THE NATIONAL CAPITAL REGION

(a) Limitation.—(1)(A) Subject to paragraph (2), during the fiscal years specified in subparagraph (B), the Department of Defense (including all departments, agencies, and other instrumentalities thereof) may not enter into or amend any lease or other agreement (including leases entered into with any other Federal agency) for administrative space in the National Capital Region that would result in the Department leasing administrative space in excess of the maximum area specified for that fiscal year in subparagraph (B), unless the Secretary of Defense, in consultation with the Administrator of General Services, submits to the Congress, no later than April 15, 1991, a comprehensive plan addressing the long-term leased space needs of the Department of Defense in the National Capital Region. Such a plan shall be consistent with the force structure plan submitted under section 2903.

(B) The maximum area referred to in subparagraph (A) is as follows:

(i) During fiscal year 1991, the number of square feet being utilized in such Region for administrative space by such Department on the date of enactment of this Act, other than such administrative space as is contained in the Pentagon Reservation.

(ii) During fiscal year 1992, 90 percent of the number of square feet specified in clause (i).

(iii) During fiscal year 1993, 80 percent of the number of square feet specified in clause (i).

(2) Any administrative space temporarily leased for exclusive use by personnel of the Department displaced from administrative space in the Pentagon Reservation as a result of the renovation of facilities within such reservation shall not be included in computing the maximum limitations provided for in paragraph (1)(B).

(3) The reduction of leased administrative space resulting from the implementation of this section shall be carried out in consultation with the Administrator of General Services.

(b) PROHIBITION.—After September 30, 1991, the Department of Defense may not use any space under any lease or other agreement in the area known as Buzzard's Point in Washington, D.C., including the facility located at 1900 Half Street, Southwest.

(c) DEFINITIONS.—As used in this section:

(1) The term "administrative space" means property used for the operation of an office, for storage of office equipment or materials, or to support activities carried out in an office, including property with special architectural features, fixed equipment, or utilities (such as laboratories, dark rooms, automatic data processing areas, food service areas, and security vaults).

(2) The term "National Capital Region" means the geographic area located within the boundaries of (A) the District of Columbia, (B) Montgomery and Prince Georges Counties in the State of Maryland, (C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia, and (D) all cities and other units of government within the geographic areas of such District, Counties, and City.

(3) The term "Pentagon Reservation" has the same meaning given such term by section 2674(f)(1) of title 10, United States Code.

SEC. 2804. OPERATION AND CONTROL OF THE PENTAGON RESERVATION

(a) IN GENERAL.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2673 the following new section:

"§ 2674. Operation and control of the Pentagon Reservation

"(a)(1) Jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation is transferred to the Secretary of Defense.

Reports.

"(2) Before March 1 of each year, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives a report on the state of the renovation of the Pentagon Reservation and a plan for the renovation work to be conducted in the fiscal year beginning in the year in which the report is transmitted.

"(b) The Secretary may appoint military or civilian personnel or contract personnel to perform law enforcement and security functions for property occupied by, or under the jurisdiction, custody, and control of the Department of Defense, and located at the Pentagon Reservation. Such individuals—

"(1) may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status; and

"(2) shall have the same powers as sheriffs and constables to enforce the laws, rules, or regulations enacted for the protection of persons and property.

"(c)(1) The Secretary may prescribe such rules and regulations as the Secretary considers appropriate to ensure the safe, efficient, and secure operation of the Pentagon Reservation, including rules and regulations necessary to govern the operation and parking of motor vehicles on the Pentagon Reservation.

"(2) Any person who violates a rule or regulation prescribed under this subsection is liable to the United States for a civil penalty of not more than $1,000.

"(3) Any person who willfully violates any rule or regulation prescribed pursuant to this subsection commits a Class B misdeameanor.

"(d) The Secretary of Defense may establish rates and collect charges for space, services, protection, maintenance, construction, repairs, alterations, or facilities provided at the Pentagon Reservation.

Establishment.

"(e)(1) There is established in the Treasury of the United States a revolving fund to be known as the Pentagon Reservation Maintenance Revolving Fund (hereafter in this section referred to as the 'Fund'). There shall be deposited into the Fund funds collected by the Secretary for space and services and other items provided an organization or entity using any facility or land on the Pentagon Reservation pursuant to subsection (d).

"(2) Monies deposited into the Fund shall be available, without fiscal year limitation, for expenditure for real property management, operation, protection, construction, repair, alteration and related activities for the Pentagon Reservation.

"(f) In this section:

"(1) The term 'Pentagon Reservation' means that area of land (consisting of approximately 280 acres) and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located, including various areas designated for the parking of vehicles.

"(2) The term 'National Capital Region' means the geographic area located within the boundaries of (A) the District of Columbia, (B) Montgomery and Prince Georges Counties in the State of Maryland, (C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia, and (D) all cities and other units of government within the geographic areas of such District, Counties, and City.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2673 the following new item:

"2674. Operation and control of the Pentagon Reservation.".

(b) TRANSFER OF FUNDS FOR FISCAL YEAR 1991.—For fiscal year 1991, the Secretary of Defense may transfer into the Pentagon Reservation Maintenance Revolving Fund (established by section 2674(e) of title 10, United States Code), from funds appropriated to the military departments and the Defense Agencies, amounts equal to the amounts that would otherwise be paid by the military departments and the Defense Agencies to the General Services Administration for the use of the Pentagon Reservation.

SEC. 2805. REVENUE FROM TRANSFER OR DISPOSAL OF DEPARTMENT OF DEFENSE REAL PROPERTY

Section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) is amended—

(1) in subsection (a), by striking out "subsections (b), (c), (d), and (e)" and inserting in lieu thereof "subsections (b), (c), (d), (e), and (h)";

(2) in subsection (b), by striking out "All the proceeds" in the first sentence and inserting in lieu thereof "Except as provided in subsection (h), all the proceeds"; and

(3) by adding at the end thereof the following new subsection:

"(h)(1) If the Secretary of a military department determines that real property, and improvements thereon, under the control of that department (other than property at a military installation designated for closure or realignment) is excess to the needs of that department, the Secretary of Defense shall provide that the property be made available for transfer without reimbursement to the other military departments within the Department of Defense. If the property is not transferred to another military department, the Secretary of the military department concerned shall request the Administrator to transfer or dispose of such property in accordance with the provisions of this Act, section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), or other applicable law.

"(2) The Administrator shall deposit any proceeds (less expenses of transferring or disposing of the property as provided in subsection (b)) in a special account in the Treasury of the United States. The amount deposited in such account with respect to the transfer or disposal of any such property shall be available, to the extent provided in appropriation Acts, as follows:

"(A) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where the property is located.

"(B) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over the property before it was disposed of or transferred.

"(3) As part of the annual request for authorizations of appropriations to the Committees on Armed Services of the Senate and of the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made, including a detailed explanation of each such transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

"(4) For purposes of this subsection, the term 'military installation' shall have the meaning given that term in section 2687(e)(1) of title 10, United States Code.".

SEC. 2806. REVENUE FROM LEASING OUT DEPARTMENT OF DEFENSE ASSETS

Section 2667(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1)(A) All money rentals received pursuant to leases entered into by the Secretary of a military department under this section shall be deposited in a special account in the Treasury established for such military department, except—

"(i) amounts paid for utilities and services furnished lessees by the Secretary; and

"(ii) money rentals referred to in paragraph (4).

"(B) Sums deposited in a military department's special account pursuant to subparagraph (A) shall be available to such military department, as provided in appropriation Acts, as follows:

"(i) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where the leased property is located.

"(ii) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration by the military department concerned.

"(2) Payments for utilities and services furnished lessees pursuant to leases entered into under this section shall be credited to the appropriation account from which the cost of furnishing the utilities and services was paid.

"(3)(A) As part of the request for authorizations of appropriations for fiscal year 1992 to the Committees on Armed Services of the Senate and of the House of Representatives, the Secretary of Defense shall include an explanation of each lease from which money rentals will be received and deposited under this subsection during fiscal year 1991, together with an estimate of the amount to be received from each such lease and an explanation of the anticipated expenditures of such receipts.

"(B) As part of the request for authorizations of appropriations to such Committees for each fiscal year after fiscal year 1992, the Secretary of Defense shall include—

"(i) an accounting of the receipt and use of all money rentals that were deposited and expended under this subsection during the fiscal year preceding the fiscal year in which the request is made; and

"(ii) a detailed explanation of each lease entered into, and of each amendment made to existing leases, during such preceding fiscal year.".

SEC. 2807. SENSE OF CONGRESS CONCERNING A MILITARY CONSTRUCTION MORATORIUM

It is the sense of the Congress that the Secretary of Defense should not issue an order during calendar year 1991 that prohibits, totally or generally, the military departments from entering into contracts for authorized military construction projects inside the United States or from exercising options under existing contracts for such projects.

Part B—Military Construction Program Changes

SEC. 2811. ONE-YEAR EXTENSION OF MILITARY HOUSING RENTAL GUARANTEE PROGRAM

(a) In General.—Section 802(h) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended by striking out "1990" and inserting in lieu thereof "1991".

(b) Limitation.—Section 802 of such Act is amended by adding at the end the following new subsection:

"(i) Not more than six agreements may be entered into under this section during fiscal year 1991.".

SEC. 2812. FAMILY HOUSING IMPROVEMENT THRESHOLD

Section 2825(b)(1) of title 10, United States Code, is amended—

(1) in clause (A), by striking out "$40,000" and inserting in lieu thereof "$50,000"; and

(2) by adding at the end the following sentence: "The Secretary concerned may waive the limitations contained in the preceding sentence if (i) such Secretary determines that, considering the useful life of the structure to be improved and the useful life of a newly constructed unit and the cost of construction and of operation and maintenance of each kind of unit over its useful life, the improvement will be cost-effective, and (ii) a period of 21 days elapses after the date on which the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives receive a notice from such Secretary of the proposed waiver, together with an economic analysis demonstrating that the improvement will be cost effective.".

Part C—Land Transactions

SEC. 2821. LAND CONVEYANCE, REDSTONE ARSENAL, ALABAMA

(a) In General.—Subject to subsections (b) through (e), the Secretary of the Army may convey to the Solid Waste Disposal Authority of the City of Huntsville, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 20 acres, including improvements thereon, at the Redstone Arsenal, Alabama, that, on the date of the enactment of this Act, is leased to such Authority pursuant to Department of the Army lease DACA 01-1-87-225, dated December 14, 1987.

(b) Consideration.—In consideration for the conveyance specified in subsection (a), the Authority shall be required to provide to the Secretary, in accordance with requirements determined by the Secretary to be in the best interests of the United States—

(1) evidence that it has constructed on such real property, and is commercially operating, a refuse fired steam plant for the disposal of municipal solid waste;

(2) an executed agreement obligating the Authority to accept from the United States up to 50 tons per day of acceptable waste for processing, without reimbursement, at such site;

(3) an agreement indemnifying the United States from any liability with respect to the construction and operation of any waste disposal facility on the property; and

(4) an agreement obligating the Authority with respect to furnishing steam and electricity to the Department of the Army at such site.

(c) RESERVATIONS.—The deed of conveyance shall—

(1) reserve to the United States all mineral rights in the real property conveyed;

(2) reserve to the United States an easement for the maintenance and operation of ground water monitoring equipment located in the southeast corner of the parcel of real property and an easement for ingress and egress to the equipment;

(3) incorporate the easement granted by the Secretary of the Army to the city of Huntsville, Alabama, contained in the Road or Street Easement Numbered DACA 01-2-68-4, dated November 7, 1967, and recorded in Deed Book 458, pages 356-358, Probate Records, Madison County, Alabama; and

(4) be subject to any leases to which the real property conveyed under subsection (a) is subject at the time of the conveyance.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2822. RELEASE AND CONVEYANCE, RESERVE CENTER AT LITTLE ROCK, ARKANSAS

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Army shall—

(1) release to the University of Arkansas, without consideration, all right, title, and interest of the United States in and to approximately 2.66 acres of land in Palaski County, Arkansas, leased by the United States from the University of Arkansas pursuant to Department of Army lease No. DA-34-066, dated March 31, 1950; and

(2) convey to the University of Arkansas, without consideration, all right, title, and interest of the United States in and to all improvements constructed on the land referred to in paragraph (1).

(b) CONDITIONS OF RELEASE AND CONVEYANCE.—The release and conveyance referred to in subsection (a) shall be subject to the condition that—

(1) the University of Arkansas accept responsibility for all costs related to removing or abating the hazard posed by asbestos contained in any of the improvements conveyed pursuant to subsection (a)(2); and

(2) the University of Arkansas agree to indemnify the United States against any liability for the presence of any asbestos or asbestos-containing material in any of the improvements referred to in subsection (a)(2).

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the release and conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, NAVAL WEAPONS STATION, CONCORD, CALIFORNIA

(a) In General.—Subject to subsections (b) through (e), the Secretary of the Navy may sell and convey to the San Francisco Bay Area Rapid Transit District (hereafter in this section referred to as "BART") all right, title and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres comprising a portion of the Naval Weapons Station, Concord, California.

(b) Consideration.—(1) In consideration for the conveyance authorized in subsection (a) BART shall be required to—

(A) pay to the United States an amount equal to not less than the fair market value of the property to be conveyed under subsection (a), as determined by the Secretary;

(B) pay for the cost of relocating certain railroad tracks located on such property;

(C) pay for the cost of relocating the existing security fence to conform with the new boundaries of the Naval Weapons Station after such conveyance; and

(D) pay for the costs of appraisals and other costs related to the sale and conveyance of property under this section.

(2) Costs incurred by BART in connection with the relocations referred to in subparagraphs (B) and (C) of paragraph (1) and for the costs referred to in subparagraph (D) of such paragraph may not be considered as any part of the fair market value of the property referred to in subsection (a).

(c) Use of Proceeds.—The Secretary shall deposit proceeds received from the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(d) Description of Property.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by BART.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA

(a) In General.—(1) The Secretary of the Navy shall, within one year after the date of the enactment of this Act, lease to the City of San Francisco, California, at fair market value and for at least 30 years, not less than 260 acres, including any improvements thereon, of the area known as the Hunters Point Naval Shipyard, San Francisco, California.

(2) In carrying out paragraph (1), the Secretary shall—

(A) determine the location of the property to be leased;

(B) provide that the property leased shall be used by the City subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States; and

(C) take steps to minimize the disruption and displacement of tenants on Hunters Point to the maximum extent practicable.

(b) Report.—The Secretary shall transmit, by no later than Feb-uary 1, 1991, to the Committees on Armed Services of the Senate nd of the House of Representatives a report of the status of the egotiations carried out for the purpose of entering into a lease nder subsection (a).

EC. 2825. TRANSFER OF LANDS, PINON CANYON, COLORADO

(a) Transfer.—Notwithstanding any other provision of law and ubject to subsections (b) through (d), the Secretary of the Army hall transfer administrative jurisdiction of approximately 16,707 cres of land at the Pinon Canyon Maneuver Site, Colorado, consist-ng of all parcels of land identified by the Secretary of the Army as neconomic remnant lands, to the Secretary of Agriculture for nclusion in the Comanche National Grassland. The Secretary of griculture shall administer the transferred lands in accordance ith laws applicable to the National Forest system.

(b) Description of the Property.—(1) The exact acreage and legal escription of the property to be transferred under this section shall e determined by surveys satisfactory to the Secretary of the Army nd the Secretary of Agriculture.

(2) The Secretary of Agriculture, with the concurrence of the ecretary of the Army, shall prepare a map of the lands to be onveyed. Such lands shall be known as the Picket Wire anyonlands (hereafter in this section referred to as the "PWC").

Public information.

(3) The legal description and map referred to in paragraphs (1) and 2) shall be kept on file and available for public inspection in the ffice of the Chief of the Forest Service, Department of Agriculture.

(c) Administration of Lands.—(1) The Secretary of Agriculture hall administer the transferred lands so as to conserve and protect he paleontological, archaeological, wildlife, vegetative, aquatic, and ther natural resources of the area.

(2) The management provisions of this section shall apply only to hose parcels of the transferred lands comprising approximately 1,507 acres in the Purgatoire River Canyon.

(3) The Secretary of Agriculture may permit access to the PWC for he purpose of permitting scholarly research, interpretation to the ublic, and recreational activities to the extent that such access does ot—

(A) impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the area is intended to be used by the Army; or

(B) impair the conservation and protection of paleontological, archaeological, or natural resources of the area.

(4) The Secretary of Agriculture may permit livestock grazing in he PWC only to the extent that the Secretary determines necessary o benefit the natural resources of the area.

(5) Lands of the PWC are withdrawn from operation of the ining, mineral leasing, and other mineral entry laws of the United tates.

(6) No activity shall be permitted in the PWC that would impair s determined by the Secretary of the Army) the use of the Pinon anyon Maneuver Site for the purposes for which the site is in-ended to be used by the Army or the conservation and protection of he paleontological, archaeological, and natural resources of the rea, including production of or exploration for oil, gas, or minerals f any kind.

(7) Lands to be transferred may not be used for the storage or processing of nuclear waste, other hazardous waste, or any other waste.

(8) The Secretary of Agriculture, in consultation with the Director of the National Park Service, the Director of United States Fish and Wildlife Service, the Secretary of the Army, the head of the Colorado Department of Natural Resources, and the head of the Colorado State Historic Preservation Office, shall, after notice and opportunity for public comment, develop a management plan for the PWC that includes—

(A) a complete survey and an inventory of the paleontological and archaeological resources of the area; and

(B) a strategy for protecting and conserving the dinosaur track way in the Purgatoire River Canyon and other paleontological and archaeological resources in the PWC.

(d) INTERAGENCY AGREEMENT.—(1) When the lands referred to in subsection (a) are transferred, the Secretary of the Army and the Secretary of Agriculture shall enter into an interagency agreement providing for—

(A) access to the PWC through the Pinon Canyon Maneuver Site for the Secretary of Agriculture (for the purpose of taking action to conserve and protect the area's resources) and the public (for educational purposes) in such manner, at such times, and to such an extent as will not interfere (as determined by the Secretary of the Army) with the Army's use of the site; and

(B) cooperation between the Army and the Forest Service in the protection and conservation of the paleontological, archaeological, and natural resources in the PWC.

(2) In determining whether the manner, time, and extent of access through the Pinon Canyon Maneuver Site for a particular purpose will constitute interference with the Army's use of the site for the purpose of paragraph (1)(B), the Secretary of the Army shall—

(A) with respect to access by the Secretary of Agriculture for management purposes, take into consideration that the high importance of protecting and conserving the resources of the PWC may justify the imposition of some inconvenience to the Army, so long as the inconvenience does not prevent the Army from accomplishing its purposes on the Pinon Canyon Maneuver Site; and

(B) with respect to access by the public, take into consideration comments solicited from the public by the Secretary of Agriculture concerning the need for and the kind of access that should be provided.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture such sums as are necessary to carry out this section, including such sums as are necessary to pay for—

(1) a study of the paleontological resources of the PWC and action to prevent erosion of the dinosaur track way;

(2) a complete cadastral survey of the PWC; and

(3) an archaeological, paleontological, and historical survey of the PWC.

SEC. 2826. LAND CONVEYANCE, CAPE HENLOPEN, DELAWARE

(a) IN GENERAL.—(1) Subject to subsections (b) through (e), the Secretary of the Army shall convey, not later than one year after the date of the enactment of this Act, to the State of Delaware all right, title, and interest of the United States in and to a parcel of real property located at Cape Henlopen, in Sussex County, Delaware, consisting of approximately 96 acres and known as the Fort Meade Recreation Area.

(2) The conveyance made pursuant to this section shall be without consideration except that required by subsection (b).

(b) Conditions of Conveyance.—The conveyance authorized by this section shall be subject to the following conditions:

(1) The State of Delaware shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions which may be found on the property to be conveyed pursuant to this section.

(2) The State of Delaware shall permit members of the Armed Forces of the United States serving on active duty, their spouses, and their dependents to purchase each year, for a price not greater than the price charged residents of the State of Delaware, an annual pass to all Delaware State parks.

(3) The State of Delaware shall pay to the Secretary for credit to the Army Morale, Welfare, and Recreation Fund, the sum of $14,369, to reimburse the fund for sums expended to improve the property.

(c) Use of Property; Reversion.—(1) The real property conveyed pursuant to this section may be used by the State of Delaware only for public park or recreational purposes.

(2) If the Secretary of the Interior determines at any time that the real property conveyed pursuant to this section is not being used for a purpose specified in paragraph (1), all right, title, and interest in and to such real property shall revert to the United States and the United States shall have the right of immediate entry thereon.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State of Delaware.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2827. LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA

(a) In General.—Subject to subsections (b) through (f), the Secretary of the Air Force may convey to the City of Valparaiso, Florida, all right, title, and interest of the United States in and to approximately 3.5 acres of real property, including improvements thereon, located on Eglin Air Force Base, Florida.

(b) Consideration and Use of Proceeds.—(1) In consideration for the conveyance authorized by subsection (a), the City of Valparaiso, Florida, shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(2) The Secretary shall deposit proceeds received from the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(c) Condition of Conveyance.—The conveyance authorized by subsection (a) shall be subject to the condition that the real property so conveyed shall be used by the City of Valparaiso, Florida, as a public cemetery.

(d) **Reversion.**—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purpose specified in subsection (c), all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States and the United States shall have the right of immediate reentry thereon.

(e) **Description of Property.**—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City of Valparaiso, Florida.

(f) **Additional Terms and Conditions.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCE, NAVAL AIR STATION, CECIL FIELD, JACKSONVILLE, FLORIDA.

(a) **In General.**—(1) Subject to paragraphs (2) and (3) and subsection (c), the Secretary of the Navy may sell the real property and improvements owned by the United States in Duval County, Florida, comprising the Outlying Landing Field, Whitehouse.

(2) Such a sale may be carried out only after a fully operational replacement field has been completed, using not more than $500,000 of the funds appropriated pursuant to section 2205(a)(5) of this Act and other funds authorized and appropriated for that purpose.

(3) The sale of such property shall be by competitive procedures and at not less than the fair market value of the property (as determined by the Secretary).

(b) **Use of Proceeds.**—The Secretary may use the proceeds from the sale authorized in subsection (a) to—

(1) acquire sufficient interests in additional land around the replacement facility to provide a safety and noise buffer zone necessary for the continued operation of the facility; and

(2) pay expenses related to the sale of property authorized by subsection (a).

(c) **Restrictions on Sale.**—The Secretary shall not proceed with the sale authorized by subsection (a) unless the conditions of the sale are restricted to non-aviation use.

SEC. 2829. LAND EXCHANGE, FORT BENNING, GEORGIA

(a) **Authority to Convey.**—Subject to subsections (b), (c), and (d), the Secretary of the Army may convey to the City of Columbus, Georgia, all right, title, and interest of the United States in and to a tract of real property, including improvements thereon, consisting of approximately 3,000 acres and comprising a portion of Fort Benning, Georgia.

(b) **Consideration and Use of Proceeds.**—(1) In consideration for the conveyance by the Secretary under subsection (a), the City of Columbus shall be required to convey to the United States approximately 3,300 acres of real property located adjacent to the southern boundary of Fort Benning.

(2) If the fair market value of the land conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed to the United States, as determined by the Secretary, the City of Columbus shall pay an amount equal to the difference to the

United States. The Secretary shall deposit any such amount into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(c) LEGAL DESCRIPTION OF LANDS.—The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2830. LAND CONVEYANCE, ROBINS AIR FORCE BASE, GEORGIA

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Air Force may sell and convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of a total of approximately 70 acres, and comprising a portion of Robins Air Force Base, Georgia.

(b) COMPETITIVE BID REQUIREMENT, MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for an amount less than the fair market value, as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary shall deposit proceeds received from the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with any transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2831. LAND CONVEYANCE, DILLINGHAM MILITARY RESERVATION, HAWAII

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary of the Army shall convey to the State of Hawaii, without consideration, all right, title, and interest of the United States in and to a parcel of land, together with improvements thereon, consisting of approximately 87 acres, that comprises a portion of Dillingham Military Reservation at Mokuleia, Hawaii, and which was previously ceded, without consideration, to the United States by the State of Hawaii for use by the Armed Forces of the United States.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be made on condition that the State of Hawaii enter into an agreement with the Secretary of the Army that is acceptable to the Secretary and provides for joint civilian and military use of the property as an airfield by the State of Hawaii and the Army.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of t survey shall be borne by the State of Hawaii.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may quire such additional terms and conditions in connection with t conveyance under this section as the Secretary determines appr priate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, SOUTH BEND, INDIANA

(a) IN GENERAL.—Subject to subsections (b) through (f), t Secretary of the Army shall convey to the Civic Foundati Incorporated, a not-for-profit corporation organized and operati pursuant to the laws of the State of Indiana, or the City of Sou Bend, Indiana, or to both, all right, title, and interest of the Unit States in and to real property aggregating approximately 4.15 acr including improvements thereon, located at 1733 East Northsi Boulevard, South Bend, Indiana, and known as the Northside Arm Reserve Training Center.

(b) CONSIDERATION.—(1) In consideration for the conveyance ma under subsection (a), the Civic Foundation or the City, as the ca may be, shall, in accordance with the agreement required by subs tion (c), be required to—

(A) convey to the United States all right, title, and interest and to a parcel of real property of approximately eight acr together with improvements thereon, located at 2402 Ro Street, South Bend, Indiana, and known as the Maple La School;

(B) repair and rehabilitate the Maple Lane School in accordance with plans and specifications approved by the Secretar

(C) construct an access driveway to the Maple Lane Scho property from Ironwood Drive; and

(D) design to Department of the Army standards and co-struct additional improvements on the Maple Lane School prop erty in accordance with the requirements, and subject to th approval, of the Secretary.

(2) The cost of the repair, rehabilitation, construction work, a other improvements carried out under subparagraphs (B), (C), a (D) of paragraph (1) (including but not limited to the cost of any a all architectural, engineering design, environmental assessment a remediation, construction financing, and all legal and inspecti fees for the additional improvements) shall be paid as follow

(A) The Civic Foundation or the City, or both, shall pay a tot of $500,000. Any funds expended by the Civic Foundation or th City pursuant to obligations under paragraph (1) before th execution of the agreement required by subsection (c) shall b considered as part of this payment.

(B) After payment by the Civic Foundation or the City, o both, as provided in subparagraph (A), the Secretary of th Army shall pay any remaining amount necessary to comple the work described in subparagraphs (B), (C), and (D) of par-graph (1), out of funds available for such purpose.

(3) The amount of $397,000 is hereby authorized to be appr priated to pay for the design and construction of improvemen authorized by paragraph (1)(D).

(c) AGREEMENT.—In order to implement this section, the Secretar shall enter into an agreement with the Civic Foundation or the City or both.

(d) OCCUPANCY.—The Department of the Army shall vacate the Northside Army Reserve Training Center upon beneficial occupancy of Maple Lane School.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed under this section shall be determined by surveys acceptable to the Secretary. The cost of such survey shall be borne by Civic Foundation, Incorporated, or by the City of South Bend, or both.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to carry out the provisions of this section and to protect the interests of the United States.

SEC. 2833. LAND EXCHANGE, LEXINGTON PARK, MARYLAND

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may convey to the County of St. Mary's, Maryland, all right, title, and interest of the United States in and to approximately 32 acres of unimproved real property consisting of two severable parcels at the Naval Air Test Center, Patuxent River, Maryland.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the County shall be required to convey to the United States approximately 7.2 acres of real property, including improvements thereon, known as the former Frank Knox Elementary School, Lexington Park, Maryland.

(c) PAYMENT OF EXCESS INTO SPECIAL ACCOUNT.—If the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed to the United States by the County, the County shall pay an amount equal to the difference to the United States, and the Secretary shall deposit such amount into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any property to be conveyed or received under this section shall be determined by surveys satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2834. LAND EXCHANGE AT MARINE CORPS FINANCE CENTER, KANSAS CITY, MISSOURI

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to the City of Kansas City, Missouri, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12 acres located near the family housing area of the Marine Corps Finance Center, Kansas City, Missouri, together with the improvements on such land.

(b) CONSIDERATION.—In consideration for the conveyance by the Secretary under subsection (a), the City of Kansas City shall convey to the United States approximately 10 acres of land adjacent to the family housing area of the Marine Corps Finance Center, Kansas City, Missouri.

(c) PAYMENT OF EXCESS INTO SPECIAL ACCOUNT.—If the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed to the United States by the City of Kansas City, the City shall pay an amount equal to the difference to the United States, and the Secretary shall deposit such amount into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) Legal Description of Lands.—The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City of Kansas City.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2835. EXCHANGE OF INTERESTS, CAMP WITHYCOMBE, OREGON

(a) Release of Reversionary Interest.—Subject to subsections (b) through (d), the Secretary of the Army may release to the State of Oregon the reversionary interest of the United States in and to two parcels of real property totaling approximately 160 acres, including improvements thereon, at Camp Withycombe, Clackamas County, Oregon, that were conveyed by the United States to the State of Oregon by a quitclaim deed dated November 9, 1956.

Real property acquisition.

(b) Consideration.—(1) In consideration for the release under subsection (a), the State of Oregon shall be required to convey to the United States a contingent interest, described in paragraph (2), in approximately 166 acres of real property, including improvements thereon, comprising Camp Rilea, Clatsop County, Oregon.

(2) The contingent interest referred to in paragraph (1) is an interest that provides that—

(A) in the event that Camp Rilea ceases to be used by the State of Oregon for military purposes, title to such property, including improvements thereon, shall immediately vest in the United States without payment of consideration and the United States shall have the immediate right to enter thereon; and

(B) in the event of a war declared by Congress or a national emergency declared by Congress or the President, and upon a determination by the Secretary of Defense that any of such property is needed for military purposes, the United States shall have the right, without payment of consideration, to enter the property and use the property or any part thereof, including any improvements thereon, for such period as the Secretary determines necessary, but in no event for any period that extends beyond 180 days after the end of such war or national emergency.

(c) Description of Property.—The exact acreage and legal description of the parcels of real property from which the reversionary interest referred to in subsection (a) is to be released, and the exact acreage and legal description of the property in which the contingent interest is to be conveyed to the United States under subsection (b), shall be determined by surveys satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the State.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the release of the reversionary interest under subsection (a) and the conveyance of the contingent interest under subsection (b) as the

Secretary determines appropriate to protect the interests of the United States.

SEC. 2836. CONVEYANCE OF FORT DOUGLAS, UTAH

(a) CONVEYANCE.—(1) Except as provided in paragraphs (2), (3), and (4), and subject to subsections (b) through (g), the Secretary of the Army shall convey to the University of Utah all right, title, and interest of the United States in and to the land comprising Fort Douglas, Utah, together with improvements thereon.

(2) The Secretary shall except from the land conveyed under paragraph (1) such land, not in excess of 64 acres, and improvements thereon as may be necessary for the Army to continue conducting Army Reserve activities at the Fort Douglas location.

(3) The Secretary shall also except from the land conveyed under paragraph (1) the land at Fort Douglas constituting the Fort Douglas Post Cemetery, consisting of approximately four acres.

(4) In connection with the land retained for Army Reserve activities and the land constituting the Army Post Cemetery, the Secretary shall reserve to the United States in the land conveyed such rights-of-way and other easements as may be necessary for ingress to and egress from the land retained.

(b) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made only on the condition that the State of Utah and the University of Utah waive any entitlements that have not been exercised on behalf of the University of Utah before the date of the enactment of this section and that may be due to the State of Utah or the University of Utah on behalf of the University of Utah under—

(A) section 3 of the Act entitled "An Act to establish the office of Surveyor-General of Utah, and to grant Land for School and University Purposes", approved February 21, 1855 (10 Stat. 611); and

(B) sections 8 and 12 of the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on equal footing with the original States", approved July 16, 1894 (28 Stat. 110).

(2) The waiver referred to in paragraph (1) shall be executed in such manner as the Secretary of the Army, after consultation with the Attorney General of the United States, determines necessary to effectively waive any unexercised entitlements under those laws.

(c) CONDITION.—(1) The conveyance provided for in subsection (a) may be made only on condition that—

(A) the State of Utah agree to maintain and operate, as provided in paragraph (2), the Army museum located on the land conveyed to the University of Utah pursuant to this section; and

(B) the University of Utah agree—

(i) to maintain and operate, as provided in paragraph (2), the Army chapel and other historical buildings located on the land referred to in subparagraph (A); and

(ii) to preserve and maintain, as provided in paragraph (2), the parade grounds that are a part of the land referred to in subparagraph (A).

Historic preservation.

(2) The Army museum, Army chapel, and other historical buildings referred to in paragraph (1) shall be maintained and operated, and the parade grounds referred to in that paragraph shall be preserved and maintained, in a manner consistent with Federal

laws and regulations pertaining to the preservation of historical sites, buildings, and monuments, as specified by the Secretary of the Interior.

(d) Reversionary Right.—If the University of Utah uses the land conveyed pursuant to subsection (a) for a purpose other than educational or research purposes, all right, title, and interest in and to such land shall automatically revert to the United States and the United States shall have the right of immediate entry thereon.

(e) Deadline for Conveyance.—The conveyance under subsection (a) shall be made not later than one year after the date of the enactment of this section.

(f) Joint Use of Utility Systems.—The Secretary may enter into an agreement with the University of Utah under which the Army and the University would—

(1) jointly use the existing utility systems located at Fort Douglas at the time of the conveyance provided for under subsection (a);

(2) equitably share the cost of maintaining, operating, and replacing (as necessary) the systems; and

(3) pay on a pro rata basis for the utilities consumed by each of the parties.

(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance provided for under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

(h) Additional Excess Land.—In the event that any lands constituting Fort Douglas, Utah, that are not conveyed pursuant to subsection (a) are declared excess to the needs of the Army after the date of the conveyance provided for in that subsection, the Secretary shall convey such lands to the University of Utah. Any lands conveyed pursuant to this subsection shall be conveyed subject to a reversionary clause in favor of the United States as provided in subsection (d).

SEC. 2837. LAND CONVEYANCE, NAVAL RESERVE CENTER, BURLINGTON, VERMONT

(a) In General.—Subject to subsection (b) through (e), the Secretary of the Navy may convey to the City of Burlington, Vermont, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.49 acres, including improvements thereon, comprising the Naval Reserve Center, Burlington, Vermont.

(b) Use of Proceeds.—The Secretary may use the proceeds of the transaction authorized by this section to pay all or part of the cost of acquiring a new site in the Burlington, Vermont, area for a naval reserve center and for the construction on such site of a replacement naval reserve center facility.

(c) Conditions of Sale.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that the City of Burlington—

(A) pay to the United States the sum of $1,500,000; and

(B) permit the Navy to continue to occupy, without consideration, the property referred to in such subsection until a replacement facility has been acquired by the Secretary.

(2) In the event that the conveyance authorized by subsection (a) is not made before January 1, 1992, because the City is unable to pay

the consideration required by paragraph (1)(A), the authority to convey is terminated.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND TRANSFER, ARLINGTON, VIRGINIA

The property consisting of approximately 14.05 acres of real property, and improvements thereon, known as Barracks "K", located in Arlington, Virginia, shall be deemed excess property, and the Administrator of General Services may transfer the property to the Secretary of the Navy without consideration.

SEC. 2839. LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA

(a) CONVEYANCE AUTHORIZED.—Subject to subsections (b) through (e), the Secretary of the Army shall convey, without consideration, to the Commonwealth of Virginia all right, title, and interest of the United States in and to a parcel of land located at Fort A.P. Hill, Virginia, consisting of approximately 150 acres.

(b) USE OF PROPERTY; REVERSION.—(1) The land conveyed pursuant to this section shall be conveyed subject to the conditions that—

(A) the construction of a regional correctional facility on the land be completed not later than five years after the date of the enactment of this section;

(B) the land be used only for the purpose of operating a regional correctional facility which shall be subject to the conditions and limitations on its use as provided in title 53.1 of the Code of Virginia; and

(C) the Commonwealth of Virginia offer to Arlington County, Fairfax County, the City of Alexandria, Loudoun County, Fauquier County, Prince William County, Stafford County, and Caroline County, Virginia, and any other Virginia county that the Commonwealth of Virginia may choose, the opportunity to participate in the governmental entity created under the law of the Commonwealth of Virginia to construct and operate the regional correctional facility.

(2) If—

(A) a regional correctional facility is not constructed on the land conveyed pursuant to this section in accordance with paragraph (1)(A);

(B) such land is used for any purpose other than the purpose specified in paragraph (1)(B); or

(C) the counties referred to in paragraph (1)(C) are not offered the opportunity to participate in the entity referred to in such paragraph (as determined by the Secretary),

all right, title, and interest in and to such land (together with the improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(c) DESCRIPTION OF PROPERTY.—(1) The tract of land conveyed pursuant to this section shall be a tract of land that— Prisons.

(A) has soil and topographical conditions suitable for the construction of a low- to mid-rise institutional correctional facility, including recreation, parking, and other necessary support facilities; and

(B) is situated within reasonably close proximity to an existing sewer system.

(2) The cost of any new or expanded sewer system or utility shall not be the responsibility of the Department of Defense or Caroline County, Virginia.

(3) The exact acreage and legal description of the land to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary.

(d) PROHIBITION ON HOUSING CERTAIN PRISONERS.—The regional correctional facility constructed pursuant to this section may not be used to house Federal prisoners or prisoners convicted and sentenced in the courts of any jurisdiction other than the Commonwealth of Virginia (including all jurisdictions therein) without the written consent of the government of the county in which such facility is located.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2840. EASEMENT CONVEYANCE, FORT LAWTON, SEATTLE, WASHINGTON

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to the City of Seattle, Washington, certain easement interests of the United States in approximately 1.42 acres of real property comprising a portion of the Department of the Navy Fort Lawton family housing area, Seattle, Washington.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the City shall provide new waterline hookups at such Navy family housing area.

(2) If the fair market value of the easement interests to be conveyed under subsection (a) exceeds the fair market value of the consideration received under paragraph (1), as determined by the Secretary, the City shall pay the amount of the difference to the United States. Any such payment shall be deposited into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(c) HOUSING UNITS.—(1) The City may be permitted to occupy, without consideration other than payment for utilities and services, the ten units of military family housing that will be impacted by the waterline hookups referred to in subsection (b)(1) until such time as is mutually agreed upon by the City and the Secretary.

(2) The City shall provide to the Secretary, without payment of consideration, ten replacement housing units comparable to the ten housing units referred to in paragraph (1) at a site within the Puget Sound area to be determined by the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

PART D—DEPARTMENT OF DEFENSE ENERGY SAVINGS

SEC. 2851. DEPARTMENT OF DEFENSE ENERGY SAVINGS PROGRAM

(a) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2865. Energy savings at military installations

"(a)(1) The Secretary of Defense shall designate an energy performance goal for the Department of Defense for the years 1991 through 2000.

"(2) To achieve the goal designated under paragraph (1), the Secretary shall develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy savings.

"(3) For the purpose of implementing any energy performance plan, the Secretary shall provide that the selection of energy conservation measures under such plan shall be limited to those with a positive net present value over a period of 10 years or less.

"(b)(1) The Secretary shall provide that two-thirds of the portion of the funds appropriated to the Department of Defense for a fiscal year that is equal to the amount of energy cost savings realized by the Department, including financial benefits resulting from shared energy savings contracts and financial incentives described in paragraph (3)(B), for any fiscal year beginning after fiscal year 1990 shall remain available for obligation under paragraph (2) through the end of the fiscal year following the fiscal year for which the funds were appropriated, without additional authorization or appropriation.

"(2) The amount that remains available for obligation under paragraph (1) shall be utilized as follows:

"(A) One-half of the amount shall be used for the implementation of additional energy conservation measures at such buildings, facilities, or installations of the Department of Defense as the head of the department, agency, or instrumentality that realized the savings may designate in accordance with regulations prescribed by the Secretary of Defense.

"(B) One-half of the amount shall be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for—

"(i) improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.

"(3) The Secretary—

"(A) shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation; and

"(B) may authorize any military installation to accept any financial incentive, generally available from any such utility, to adopt technologies and practices that the Secretary determines are cost-effective for the Federal Government.

Government contracts.

"(c)(1) The Secretary of Defense shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of the Department as well as the private sector.

"(2)(A) In carrying out paragraph (1), the Secretary of Defense may—

"(i) request statements of qualifications (as prescribed by the Secretary of Defense), including financial and performance information, from firms engaged in providing shared energy savings contracting;

"(ii) designate from the statements received, with an update at least annually, those firms that are presumptively qualified to provide shared energy savings services;

"(iii) select at least three firms from the qualifying list to conduct discussions concerning a particular proposed project, including requesting a technical and price proposal from such selected firms for such project; and

"(iv) select from such firms the most qualified firm to provide shared energy savings services pursuant to a contractual arrangement that the Secretary determines is fair and reasonable, taking into account the estimated value of the services to be rendered and the scope and nature of the project.

"(B) In carrying out paragraph (1), the Secretary may also provide for the direct negotiation, by departments, agencies, and instrumentalities of the Department of Defense, of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

Reports.

"(d) Beginning with fiscal year 1991 and by no later than December 31, 1991, and of each year thereafter, the Secretary of Defense shall transmit an annual report to the Congress containing a description of the actions taken to carry out this section, and the savings realized from such actions, during the fiscal year ending in the year in which the report is made.".

(b) CLERICAL AMENDMENT.—The table of contents for such subchapter is amended by adding at the end the following:

"2865. Energy savings at military installations.".

SEC. 2852. TECHNICAL AMENDMENTS

(a) Section 2394a(c) of title 10, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) A determination under paragraph (1) concerning whether a cost-differential can be recovered over the expected life of a system shall be made using the life-cycle cost methods and procedures established pursuant to section 544(a) of the National Energy Conservation Policy Act.".

(b) Section 2857(c) of title 10, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) A determination under paragraph (1) concerning whether a cost-differential can be recovered over the expected life of a facility shall be made using the life-cycle cost methods and procedures established pursuant to section 544(a) of the National Energy Conservation Policy Act.".

PART E—MISCELLANEOUS PROVISIONS

SEC. 2861. RELOCATION OF THE FLORIDA SOLAR ENERGY CENTER

(a) IN GENERAL.—The Secretary of the Air Force may pay $2,953,000 to the State of Florida for the sole purpose of assisting that State to relocate the Florida Solar Energy Center from Cape Canaveral Air Force Station, Florida, to a new site provided by the State of Florida on other than federally owned land. The payment of such sum shall include all Federal Government contributions to the relocation project, including relocation costs.

(b) CONSIDERATION.—In consideration for payment of the amount provided for in (a), the State of Florida shall—

(1) release to the United States all leases, easements, and other land interests connected with the Florida Solar Energy Center on Cape Canaveral Air Force Station;

(2) convey to the United States title to all buildings, fixtures, and other improvements located on such lands;

(3) waive any claims against the United States arising out of the operation of the Florida Solar Energy Center from its inception until the final departure of all personnel and personal property connected with the Center from Cape Canaveral Air Force Station;

(4) accept sole responsibility for the disposal, removal, or remediation of all solid or hazardous wastes on the property and release the United States from any obligation with respect to such wastes without regard to who may have been responsible for placing the solid or hazardous waste on the property; and

(5) indemnify the United States against all claims, losses, damages, and costs arising out of or connected with any solid or hazardous wastes on the premises, to the extent permitted by the laws of the State of Florida.

(c) AGREEMENT.—No payment may be made to the State of Florida under this section until the Secretary and the State of Florida have entered into an agreement embodying the terms of this section, including a waiver by the State of all claims for the payment of any amount for relocation costs in addition to the amount specified in ubsection (a).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the payment by the Secretary pursuant to subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

EC. 2862. MODIFICATION OF HEIGHT RESTRICTION IN AVIGATION EASEMENT

(a) IN GENERAL.—The Act of July 2, 1948 (62 Stat. 1229), is mended by adding at the end the following new section:

"SEC. 6. The height restriction in subsection d. of the first section f this Act shall not apply with respect to any public utility structure that does not exceed 160 feet above mean low-water level.".

(b) FILING.—The Secretary of the Air Force shall execute and file the appropriate office any instrument necessary to effect the odification of the avigation easement referred to in the amendent made in subsection (a).

103 Stat. 1663.

SEC. 2863. HENDERSON HALL, ARLINGTON, VIRGINIA

Section 2843(a)(1) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) is amended by striking out "62,000 square feet" and inserting in lieu thereof "77,000 square feet".

SEC. 2864. ADDITIONAL AUTHORITY FOR LEASE-PURCHASE

Section 2812(a)(2) of title 10, United States Code, is amended by adding at the end the following:

"(I) Classroom and laboratories."

SEC. 2865. SALE OF AGGREGATE, NAVAL AIR STATION, MIRAMAR, CALIFORNIA

(a) AUTHORITY.—(1) Subject to subsections (b) through (d), the Secretary of the Navy may extract, sell, and remove aggregate from the real property comprising the Naval Air Station, Miramar, California.

(2) Such extraction, sale, and removal shall be by competitive procedures except for that portion of the station where the City of San Diego operates a sanitary landfill. Within such area, the City may extract, sell, or remove the aggregate.

(b) CONSIDERATION.—In consideration for the rights authorized to the City of San Diego by subsection (a), the City shall pay to the United States fair market value, as determined by the Secretary, for any aggregate it extracts, sells, or removes.

(c) USE OF FUNDS.—The Secretary shall deposit proceeds received from the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interest of the United States.

SEC. 2866. STUDY TO EVALUATE JOINT MILITARY-CIVILIAN USE OF MILITARY AIRFIELDS

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall conduct a joint study to evaluate the desirability and feasibility of converting airfields under the jurisdiction of each military department—

(1) to civilian use; or

(2) in the case of any such airfield which will continue to be used by the military department, to joint civilian and military use.

(b) SPECIFIC MATTERS TO BE CONSIDERED.—In conducting the study referred to in subsection (a), the Secretary of Defense and the Secretary of Transportation shall—

(1) prepare an inventory of airfields under the control of each military department;

(2) evaluate the present and future need of airfields for civilian use and for military use;

(3) evaluate the extent to which civilian or joint civilian-military use of such airfields would meet national aviation policy objectives;

(4) identify obstacles to and incentives for encouraging civilian or joint civilian-military use of such airfields;

(5) identify and assess means of reducing the cost to the Department of Defense of civilian or joint civilian-military use of such airfields, including—

(A) cost sharing agreements with civilian users of such airfields;

(B) use of funds from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986;

(C) the imposition of civilian aviation user fees;

(D) civil aviation user lease agreements; and

(6) assess the advisability of a joint-use agreement between the military department that controls the airfield and a commercial fixed-base operator.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Committee on Public Works and Transportation of the House and the Committee on Commerce, Science, and Transportation of the Senate a joint report on the results of the study referred to in subsection (a) together with such comments and recommendations for legislation as the Secretaries consider appropriate.

(d) FUNDING FOR STUDY.—The study referred to in this section shall be funded jointly by the Department of Defense and the Department of Transportation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this section.

SEC. 2867. NEGOTIATIONS FOR JOINT CIVILIAN AND MILITARY USE OF THE AIRFIELD AT WHEELER AIR FORCE BASE, HAWAII

(a) IN GENERAL.—The Secretary of Defense shall enter into negotiations with the State of Hawaii with a view to entering into an agreement with the State of Hawaii under which the airfield facilities at Wheeler Air Force Base, Hawaii, would be jointly used for general civilian aviation purposes and military purposes.

(b) AGREEMENT AUTHORITY.—In the event that the negotiations referred to in subsection (a) are successful, the Secretary may enter into an agreement with the State of Hawaii providing for the joint civilian and military use of the airfield. Any such agreement shall provide for an equitable allocation between the State and the Department of Defense of the costs of maintaining and operating the airfield.

SEC. 2868. EXTENSION OF TERMINATION DATE FOR LAND CONVEYANCE AT EGLIN AIR FORCE BASE, FLORIDA

Section 808(d) of the Military Construction Act, 1983 (Public Law 97-321; 98 Stat. 1575) is amended by striking out "1990" and inserting in lieu thereof "1993".

TITLE XXIX—DEFENSE BASE CLOSURES AND REALIGNMENTS

Defense Base Closure and Realignment Act of 1990.
10 USC 2687 note.

PART A—DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

SEC. 2901. SHORT TITLE AND PURPOSE

(a) SHORT TITLE.—This part may be cited as the "Defense Base Closure and Realignment Act of 1990".

(b) PURPOSE.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside the United States.

10 USC 2687 note.

SEC. 2902. THE COMMISSION

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Defense Base Closure and Realignment Commission".

(b) DUTIES.—The Commission shall carry out the duties specified for it in this part.

(c) APPOINTMENT.—(1)(A) The Commission shall be composed of eight members appointed by the President, by and with the advise and consent of the Senate.

President.

(B) The President shall transmit to the Senate the nominations for appointment to the Commission—

(i) by no later than January 3, 1991, in the case of members of the Commission whose terms will expire at the end of the first session of the 102nd Congress;

(ii) by no later than January 25, 1993, in the case of members of the Commission whose terms will expire at the end of the first session of the 103rd Congress; and

(iii) by no later than January 3, 1995, in the case of members of the Commission whose terms will expire at the end of the first session of the 104th Congress.

(2) In selecting individuals for nominations for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) At the time the President nominates individuals for appointment to the Commission for each session of Congress referred to in paragraph (1)(B), the President shall designate one such individual who shall serve as Chairman of the Commission.

(d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission shall serve until the adjournment of Congress sine die for the session during which the member was appointed to the Commission.

(2) The Chairman of the Commission shall serve until the confirmation of a successor.

(e) MEETINGS.—(1) The Commission shall meet only during calendar years 1991, 1993, and 1995.

Public information.

(2)(A) Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(B) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(i) The Chairman and the ranking minority party member of the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(ii) The Chairman and the ranking minority party member of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(iii) The Chairmen and ranking minority party members of the Subcommittees on Military Construction of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the Subcommittees designated by such Chairmen or ranking minority party members.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(3) Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(4) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this part.

(5) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this part. Such funds shall remain available until expended.

(2) If no funds are appropriated to the Commission by the end of the second session of the 101st Congress, the Secretary of Defense may transfer, for fiscal year 1991, to the Commission funds from the Department of Defense Base Closure Account established by section 207 of Public Law 100-526. Such funds shall remain available until expended.

(l) TERMINATION.—The Commission shall terminate on December 31, 1995.

10 USC 2687 note.

SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE CLOSURES AND REALIGNMENTS

(a) FORCE-STRUCTURE PLAN.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for each of the fiscal years 1992, 1994, and 1996, the Secretary shall include a force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the six-year period beginning with the fiscal year for which the budget request is made and of the anticipated levels of funding that will be available for national defense purposes during such period.

(2) Such plan shall include, without any reference (directly or indirectly) to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of the assessment referred to in paragraph (1);

(B) a description (i) of the anticipated force structure during and at the end of each such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of each such period; and

(C) a description of the anticipated implementation of such force-structure plan.

(3) The Secretary shall also transmit a copy of each such force-structure plan to the Commission.

Federal Register, publication.

(b) SELECTION CRITERIA.—(1) The Secretary shall, by no later than December 31, 1990, publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for the closure or realignment of military installations inside the United States under this part. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

Federal Register, publication.

(2)(A) The Secretary shall, by no later than February 15, 1991, publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure or realignment of military installations inside the United States under this part. Except as provided in subparagraph (B), such criteria shall be the final criteria to be used, along with the force-structure plan referred to in subsection (a), in making such recommendations unless disapproved by a joint resolution of Congress enacted on or before March 15, 1991.

(B) The Secretary may amend such criteria, but such amendments may not become effective until they have been published in the Federal Register, opened to public comment for at least 30 days, and then transmitted to the congressional defense committees in final form by no later than February 15 of the year concerned. Such amended criteria shall be the final criteria to be used, along with the force-structure plan referred to in subsection (a), in making such recommendations unless disapproved by a joint resolution of Congress enacted on or before March 15 of the year concerned.

Federal Register, publication.

(c) DOD RECOMMENDATIONS.—(1) The Secretary may, by no later than April 15, 1991, April 15, 1993, and April 15, 1995, publish in the Federal Register and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and the final criteria referred to in subsection (b)(2) that are applicable to the year concerned.

(2) The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation.

(3) In considering military installations for closure or realignment, the Secretary shall consider all military installations inside the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(4) The Secretary shall make available to the Commission and the Comptroller General of the United States all information used by the Department in making its recommendations to the Commission for closures and realignments.

Public information.

(d) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the recommendations from the Secretary pursuant to subsection (c) for any year, the Commission shall conduct public hearings on the recommendations.

Reports.

(2)(A) The Commission shall, by no later than July 1 of each year in which the Secretary transmits recommendations to it pursuant to subsection (c), transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission's recommendations for closures and realignments of military installations inside the United States.

(B) In making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (c)(1) in making recommendations.

(3) The Commission shall explain and justify in its report submitted to the President pursuant to paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (c). The Commission shall transmit a copy of such report to the congressional defense committees on the same date on which it transmits its recommendations to the President under paragraph (2).

(4) After July 1 of each year in which the Commission transmits recommendations to the President under this subsection, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

Reports.

(5) The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations made by the Secretary pursuant to subsection (c); and

(B) by no later than May 15 of each year in which the Secretary makes such recommendations, transmit to the Congress and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

Reports.

(e) Review by the President.—(1) The President shall, by no later than July 15 of each year in which the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commission's recommendations.

(2) If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of such approval.

(3) If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress the reasons for that disapproval. The Commission shall then transmit to the President, by no later than August 15 of the year concerned, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Commission transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to the Congress, together with a certification of such approval.

(5) If the President does not transmit to the Congress an approval and certification described in paragraph (2) or (4) by September 1 of any year in which the Commission has transmitted recommendations to the President under this part, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

10 USC 2687 note.

SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

(a) In General.—Subject to subsection (b), the Secretary shall—

(1) close all military installations recommended for closure by the Commission in each report transmitted to the Congress by the President pursuant to section 2903(e);

(2) realign all military installations recommended for realignment by such Commission in each such report;

(3) initiate all such closures and realignments no later than two years after the date on which the President transmits a report to the Congress pursuant to section 2903(e) containing the recommendations for such closures or realignments; and

(4) complete all such closures and realignments no later than the end of the six-year period beginning on the date on which the President transmits the report pursuant to section 2903(e) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or realignment recommended by the Commission in a report transmitted from the President pursuant to section 2903(e) if a joint resolution is enacted, in accordance with the provisions of section 2908, disapproving such recommendations of the Commission before the earlier of—

(A) the end of the 45-day period beginning on the date on which the President transmits such report; or

(B) the adjournment of Congress sine die for the session during which such report is transmitted.

(2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section 2908, the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of a period.

SEC. 2905. IMPLEMENTATION

10 USC 2687 note.

(a) IN GENERAL.—(1) In closing or realigning any military installation under this part, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

Community action programs.

(B) provide—

(i) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

Environmental protection.

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for environmental restoration and mitigation;

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

Environmental protection.

(2) In carrying out any closure or realignment under this part, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property and facilities located at a military installation closed or realigned under this part—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484);

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)); and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b).

(2)(A) Subject to subparagraph (C), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(D) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this part, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(E) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this part, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, and, except as provided in paragraph (2), the Department of Defense in carrying out this part.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this part (i) during the process of property disposal, and (ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission;

(ii) the need for transferring functions to any military installation which has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(d) WAIVER.—The Secretary of Defense may close or realign military installations under this part without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

SEC. 2906. ACCOUNT

10 USC 2687 note.

(a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account 1990" which shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) proceeds received from the transfer or disposal of any property at a military installation closed or realigned under this part.

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905(a).

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

(c) REPORTS.—(1) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

(2) Unobligated funds which remain in the Account after the termination of the Commission shall be held in the Account until transferred by law after the congressional defense committees receive the report transmitted under paragraph (3).

(3) No later than 60 days after the termination of the Commission, the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this part; and

(B) any amount remaining in the Account.

10 USC 2687 note.

SEC. 2907. REPORTS

As part of the budget request for fiscal year 1993 and for each fiscal year thereafter for the Department of Defense, the Secretary shall transmit to the congressional defense committees of Congress—

(1) a schedule of the closure and realignment actions to be carried out under this part in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and realignment and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(2) a description of the military installations, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental effects of such transfers.

10 USC 2687 note.

SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

(a) TERMS OF THE RESOLUTION.—For purposes of section 2904(b), the term "joint resolution" means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under section 2903(e), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on ———", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.".

(b) REFERRAL.—A resolution described in subsection (a) that is ntroduced in the House of Representatives shall be referred to the ommittee on Armed Services of the House of Representatives. A esolution described in subsection (a) introduced in the Senate shall e referred to the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described n subsection (a) is referred has not reported such resolution (or an dentical resolution) by the end of the 20-day period beginning on he date on which the President transmits the report to the Conress under section 2903(e), such committee shall be, at the end of uch period, discharged from further consideration of such resoluion, and such resolution shall be placed on the appropriate calendar f the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on hich the committee to which such a resolution is referred has eported, or has been discharged (under subsection (c)) from further onsideration of, such a resolution, it is in order (even though a revious motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the considertion of the resolution (but only on the day after the calendar day on hich such Member announces to the House concerned the Memer's intention to do so). All points of order against the resolution and against consideration of the resolution) are waived. The motion s highly privileged in the House of Representatives and is priveged in the Senate and is not debatable. The motion is not subject to mendment, or to a motion to postpone, or to a motion to proceed to he consideration of other business. A motion to reconsider the vote y which the motion is agreed to or disagreed to shall not be in rder. If a motion to proceed to the consideration of the resolution is greed to, the respective House shall immediately proceed to considration of the joint resolution without intervening motion, order, or ther business, and the resolution shall remain the unfinished usiness of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and ppeals in connection therewith, shall be limited to not more than 2 ours, which shall be divided equally between those favoring and ose opposing the resolution. An amendment to the resolution is t in order. A motion further to limit debate is in order and not batable. A motion to postpone, or a motion to proceed to the nsideration of other business, or a motion to recommit the resolun is not in order. A motion to reconsider the vote by which the solution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolun described in subsection (a) and a single quorum call at the nclusion of the debate if requested in accordance with the rules of e appropriate House, the vote on final passage of the resolution all occur.

(4) Appeals from the decisions of the Chair relating to the applican of the rules of the Senate or the House of Representatives, as

the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

10 USC 2687 note.

SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act and ending on December 31, 1995, this part shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this part, during the period specified in subsection (a)—

(1) to identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this part affects the authority of the Secretary to carry out—

(1) closures and realignments under title II of Public Law 100-526; and

(2) closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and

realignments carried out for reasons of national security or a military emergency referred to in subsection (c) of such section.

SEC. 2910. DEFINITIONS

10 USC 2687 note.

As used in this part:

(1) The term "Account" means the Department of Defense Base Closure Account 1990 established by section 2906(a)(1).

(2) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

(3) The term "Commission" means the Commission established by section 2902.

(4) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.

(5) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(6) The term "Secretary" means the Secretary of Defense.

(7) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 2911. CLARIFYING AMENDMENT

Section 2687(e)(1) of title 10, United States Code, is amended—

(1) by inserting "homeport facility for any ship," after "center,"; and

(2) by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of the Department of Defense, including any leased facility,".

Part B—Other Provisions Relating to Defense Base Closures and Realignments

SEC. 2921. CLOSURE OF FOREIGN MILITARY INSTALLATIONS

10 USC 2687 note.

(a) Sense of Congress.—It is the sense of the Congress that—

(1) the termination of military operations by the United States at military installations outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity;

(2) in providing for such termination, the Secretary of Defense should take steps to ensure that the United States receives, through direct payment or otherwise, consideration equal to the fair market value of the improvements made by the United States at facilities that will be released to host countries;

(3) the Secretary of Defense, acting through the military component commands or the sub-unified commands to the combatant commands, should be the lead official in negotiations relating to determining and receiving such consideration; and

(4) the determination of the fair market value of such improvements released to host countries in whole or in part by

the United States should be handled on a facility-by-facility basis.

(b) Residual Value.—(1) For each installation outside the United States at which military operations were being carried out by the United States on October 1, 1990, the Secretary of Defense shall transmit, by no later than June 1, 1991, an estimate of the fair market value, as of January 1, 1991, of the improvements made by the United States at facilities at each such installation.

(2) For purposes of this section:

(A) The term "fair market value of the improvements" means the value of improvements determined by the Secretary on the basis of their highest use.

(B) The term "improvements" includes new construction of facilities and all additions, improvements, modifications, or renovations made to existing facilities or to real property, without regard to whether they were carried out with appropriated or nonappropriated funds.

(c) Establishment of Special Account.—(1) There is established on the books of the Treasury a special account to be known as the "Department of Defense Overseas Military Facility Investment Recovery Account". Any amounts paid to the United States, pursuant to any treaty, status of forces agreement, or other international agreement to which the United States is a party, for the residual value of real property or improvements to real property used by civilian or military personnel of the Department of Defense shall be deposited into such account.

(2) Money deposited in the Department of Defense Overseas Military Facility Investment Recovery Account shall be available to the Secretary of Defense for payment, as provided in appropriation Acts, of costs incurred by the Department of Defense in connection with facility maintenance and repair and environmental restoration at military installations in the United States. Funds in the Account shall remain available until expended.

SEC. 2922. MODIFICATION OF THE CONTENT OF BIANNUAL REPORT OF THE COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES

(a) Uses of Facilities.—Section 2819(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2119; 10 U.S.C. 2391 note) is amended—

(1) in paragraph (2), by striking out "minimum security facilities for nonviolent prisoners" and inserting in lieu thereof "Federal confinement or correctional facilities including shock incarceration facilities";

(2) by striking out "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) identify those facilities, or parts of facilities, that could be effectively utilized or renovated to meet the needs of States and local jurisdictions for confinement or correctional facilities; and".

10 USC 2391 note.

(b) Effective Date.—The amendments made by subsection (a) shall take effect with respect to the first report required to be submitted under section 2819 the National Defense Authorization Act, Fiscal Year 1989, after September 30, 1990.

SEC. 2923. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS SCHEDULED FOR CLOSURE INSIDE THE UNITED STATES

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense Base Closure Account for fiscal year 1991, in addition to any other funds authorized to be appropriated to that account for that fiscal year, the sum of $100,000,000. Amounts appropriated to that account pursuant to the preceding sentence shall be available only for activities for the purpose of environmental restoration at military installations closed or realigned under title II of Public Law 100-526, as authorized under section 204(a)(3) of that title.

(b) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 207 of Public Law 100-526 is amended by adding at the end the following:

10 USC 2687 note.

"(b) BASE CLOSURE ACCOUNT TO BE EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—No funds appropriated to the Department of Defense may be used for purposes described in section 204(a)(3) except funds that have been authorized for and appropriated to the Account. The prohibition in the preceding sentence expires upon the termination of the authority of the Secretary to carry out a closure or realignment under this title.".

(2) The amendment made by paragraph (1) does not apply with respect to the availability of funds appropriated before the date of the enactment of this Act.

10 USC 2687 note.

(c) TASK FORCE REPORT.—(1) Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the findings and recommendations of the task force established under paragraph (2) concerning—

(A) ways to improve interagency coordination, within existing laws, regulations, and administrative policies, of environmental response actions at military installations (or portions of installations) that are being closed, or are scheduled to be closed, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526); and

(B) ways to consolidate and streamline, within existing laws and regulations, the practices, policies, and administrative procedures of relevant Federal and State agencies with respect to such environmental response actions so as to enable those actions to be carried out more expeditiously.

(2) There is hereby established an environmental response task force to make the findings and recommendations, and to prepare the report, required by paragraph (1). The task force shall consist of the following (or their designees):

(A) The Secretary of Defense, who shall be chairman of the task force.

(B) The Attorney General.

(C) The Administrator of the General Services Administration.

(D) The Administrator of the Environmental Protection Agency.

(E) The Chief of Engineers, Department of the Army.

(F) A representative of a State environmental protection agency, appointed by the head of the National Governors Association.

(G) A representative of a State attorney general's office, appointed by the head of the National Association of Attorney Generals.

(H) A representative of a public-interest environmental organization, appointed by the Speaker of the House of Representatives.

10 USC 2687 note.

SEC. 2924. COMMUNITY PREFERENCE CONSIDERATION IN CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

In any process of selecting any military installation inside the United States for closure or realignment, the Secretary of Defense shall take such steps as are necessary to assure that special consideration and emphasis is given to any official statement from a unit of general local government adjacent to or within a military installation requesting the closure or realignment of such installation.

SEC. 2925. RECOMMENDATIONS OF THE BASE CLOSURE COMMISSION

(a) NORTON AIR FORCE BASE.—(1) Consistent with the recommendations of the Commission on Base Realignment and Closure, the Secretary of the Air Force may not relocate, until after September 30, 1995, any of the functions that were being carried out at the ballistics missile office at Norton Air Force Base, California, on the date on which the Secretary of Defense transmitted a report to the Committees on Armed Services of the Senate and House of Representatives as described in section 202(a)(1) of Public Law 100-526.

(2) This subsection shall take effect as of the date on which the report referred to in subsection (a) was transmitted to such Committees.

(b) GENERAL DIRECTIVE.—Consistent with the requirements of section 201 of Public Law 100-526, the Secretary of Defense shall direct each of the Secretaries of the military departments to take all actions necessary to carry out the recommendations of the Commission on Base Realignment and Closure and to take no action that is inconsistent with such recommendations.

10 USC 2687 note.

SEC. 2926. CONTRACTS FOR CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES

(a) ESTABLISHMENT OF MODEL PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall establish a model program to improve the efficiency and effectiveness of the base closure environmental restoration program.

(b) ADMINISTRATOR OF PROGRAM.—The Secretary shall designate the Deputy Assistant Secretary of Defense for Environment as the Administrator of the model program referred to in subsection (a). The Deputy Assistant Secretary shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition. Reports.

(c) APPLICABILITY.—This section shall apply to environmental restoration activities at installations selected by the Secretary pursuant to the provisions of subsection (d)(1).

(d) PROGRAM REQUIREMENTS.—In carrying out the model program, the Secretary of Defense shall:

(1) Designate for the model program two installations under his jurisdiction that have been designated for closure pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and for which

preliminary assessments, site inspections, and Environmental Impact Statements required by law or regulation have been completed. The Secretary shall designate only those installations which have satisfied the requirements of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(2) Compile a prequalification list of prospective contractors for solicitation and negotiation in accordance with the procedures set forth in title IX of the Federal Property and Administrative Services Act (Public Law 92-582; 40 U.S.C. 541 et seq., as amended). Such contractors shall satisfy all applicable statutory and regulatory requirements. In addition, the contractor selected for one of the two installations under this program shall indemnify the Federal Government against all liabilities, claims, penalties, costs, and damages caused by (A) the contractor's breach of any term or provision of the contract; and (B) any negligent or willful act or omission of the contractor, its employees, or its subcontractors in the performance of the contract.

(3) Within 180 days after the date of enactment of this Act, solicit proposals from qualified contractors for response action (as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) at the installations designated under paragraph (1). Such solicitations and proposals shall include the following:

(A) Proposals to perform response action. Such proposals shall include provisions for receiving the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies.

(B) To the maximum extent possible, provisions offered by single prime contractors to perform all phases of the response action, using performance specifications supplied by the Secretary of Defense and including any safeguards the Secretary deems essential to avoid conflict of interest.

(4) Evaluate bids on the basis of price and other evaluation criteria.

(5) Subject to the availability of authorized and appropriated funds to the Department of Defense, make contract awards for response action within 120 days after the solicitation of proposals pursuant to paragraph (3) for the response action, or within 120 days after receipt of the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies, whichever is later.

(e) Application of Section 120 of CERCLA.—Activities of the model program shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620).

(f) Expedited Agreements.—The Secretary shall, with the concurrence of the Administrator of the Environmental Protection Agency, assure compliance with all applicable Federal statutes and regulations and, in addition, take all reasonable and appropriate measures to expedite all necessary administrative decisions, agreements, and concurrences.

(g) Report.—The Secretary of Defense shall include a description of the progress made during the preceding fiscal year in implementing and accomplishing the goals of this section within the annual report to Congress required by section 2706 of title 10, United States Code.

(h) Applicability of Existing Law.—Nothing in this section affects or modifies, in any way, the obligations or liability of any person under other Federal or State law, including common law, with respect to the disposal or release of hazardous substances or pollutants or contaminants as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Part A—National Security Programs Authorizations

SEC. 3101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,795,381,000, to be allocated as follows:

(A) For research and development, $1,092,218,000.

(B) For weapons testing, $437,268,000.

(C) For weapons safety, $160,000,000, to be derived from funds available under subparagraph (A) or (B) or both.

(D) For production and surveillance, $2,161,180,000.

(E) For program direction, $104,715,000.

(2) For defense nuclear materials production, $1,892,770,000, to be allocated as follows:

(A) For production reactor operations, $811,457,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $628,969,000.

(C) For supporting services, $292,043,000.

(D) For uranium enrichment for naval reactors, $117,801,000.

(E) For program direction, $42,500,000.

(3) For verification and control technology, $181,484,000.

(4) For nuclear materials safeguards and security technology development program, $83,934,000.

(5) For security investigations, $65,000,000.

(6) For new production reactors, $134,900,000.

(7) For naval reactors development, $569,200,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project GPD-101, general plant projects, various locations, $27,100,000.

Project GPD-121, general plant projects, various locations, $36,350,000.

Project 91-D-122, short range attack missile tactical (SRAM-T) production facilities, various locations, $15,000,000.

Project 91-D-123, production assurance transformer replacement, Kansas City Plant, Kansas City, Missouri, $2,600,000.

Project 91-D-124, safeguards and security upgrades, Phase III, Mound Plant, Miamisburg, Ohio, $1,100,000.

Project 91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio, $1,000,000.

Project 91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $9,600,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $8,500,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $488,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $72,547,000.

Project 88-D-122, facilities capability assurance program, various locations, $106,806,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $18,244,000.

Project 88-D-124, fire protection upgrade, various locations, $1,481,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $8,840,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, $1,600,000.

Project 87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, Livermore, California, $1,150,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $8,634,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $2,360,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $4,242,000.

(2) For materials production:

Project GPD-146, general plant projects, various locations, $36,994,000.

Project 91-D-143, increase 751-A electrical substati capacity, Phase I, Savannah River, South Caroli $6,000,000.

Project 91-D-145, new whole body counter facili Savannah River, South Carolina, $4,350,000.

Project 90-D-141, Idaho chemical processing plant f protection, Idaho National Engineering Laboratory, Ida $6,000,000.

Project 90-D-143, plutonium finishing plant fire saf and loss limitation, Richland, Washington, $2,500,000.

Project 90-D-149, plantwide fire protection, Phases I a II, Savannah River, South Carolina, $49,100,000.

Project 90-D-150, reactor safety assurance, Phases I a II, Savannah River, South Carolina, $32,600,000.

Project 90-D-151, engineering center, Savannah Riv South Carolina, $4,000,000.

Project 89-D-140, additional separations safeguar Savannah River, South Carolina, $16,300,000.

Project 89-D-148, improved reactor confinement syste Savannah River, South Carolina, $12,800,000.

Project 88-D-153, additional reactor safeguards, Sav nah River, South Carolina, $1,000,000.

Project 87-D-159, environmental, health, and saf improvements, Phases I, II, III, IV, and V, Feed Materi Production Center, Fernald, Ohio, $14,133,000.

Project 86-D-149, productivity retention program, Pha I, II, III, IV, V, and VI, various locations, $61,750,0

Project 85-D-139, fuel processing restoration, Idaho Fu Processing Facility, Idaho National Engineering Labo tory, Idaho, $87,500,000.

Project 85-D-145, fuel production facility, Savann River, South Carolina, $8,481,000.

(3) For verification and control technology:

Project 90-D-186, center for national security and ar control, Sandia National Laboratories, Albuquerque, N Mexico, $5,000,000.

(4) For nuclear materials safeguards and security:

Project GPD-186, general plant projects, Central Tra ing Academy, Albuquerque, New Mexico, $2,000,000.

(5) For new production reactors:

Project 88-D-154, new production reactor capacity, v ious locations, $231,300,000.

(6) For naval reactors development:

Project GPN-101, general plant projects, various lo tions, $8,600,000.

Project 90-N-102, expended core facility dry cell proje Naval Reactors Facility, Idaho, $4,000,000.

Project 90-N-103, advanced test reactor off-gas treatme system, Idaho National Engineering Laboratory, Ida $1,800,000.

Project 90-N-104, facilities renovation, Knolls Ato Power Laboratory, Niskayuna, New York, $7,900,000.

Project 89-N-102, heat transfer test facility, Kno Atomic Power Laboratory, Niskayuna, New Yo $3,600,000.

Project 88-N-102, expended core facility receiving s tion, Naval Reactors Facility, Idaho, $1,500,000.

(7) For capital equipment not related to construction:
- (A) For weapons activities, $272,231,000.
- (B) For materials production, $105,622,000.
- (C) For verification and control technology, $9,924,000.
- (D) For nuclear safeguards and security, $5,066,000.
- (E) For new production reactors, $8,800,000.
- (F) For naval reactors development, $55,400,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses, $2,391,428,000 to be allocated as follows:
- (A) For environmental restoration, $833,215,000.
- (B) For waste operations and projects, $1,252,927,000.
- (C) For waste research and development, $183,480,000.
- (D) For corrective action, $61,654,000.
- (E) For transportation management, $14,660,000.
- (F) For program direction, $24,106,000.
- (G) For program direction/landlord, $21,386,000.

(2) For capital equipment, $119,917,000.

(3) For plant projects:

Project GPD-171, general plant projects, various locations, $63,689,000.

Project 91-D-171, waste receiving and processing facility module 1, Richland, Washington, $2,700,000.

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $13,000,000.

Project 91-D-173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $5,800,000.

Project 91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington, $900,000.

Project 90-D-103, environment, safety, and health improvements, various locations, $4,200,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $4,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $4,000,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $4,300,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $9,900,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $10,870,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $15,300,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $26,000,000.

Project 90–D–178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $11,100,000.

Project 89–D–122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $5,500,000.

Project 89–D–126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $1,723,000.

Project 89–D–141, M-area waste disposal, Savannah River, South Carolina, $7,500,000.

Project 89–D–142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $28,000,000.

Project 89–D–171, Idaho National Engineering Laboratory road renovation, Idaho, $7,300,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $42,460,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $3,400,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $11,330,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,600,000.

Project 88–D–102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,500,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $75,500,000.

Project 87–D–159, environmental, health, and safety improvements, Phases I, II, III, and IV, Feed Materials Production Center, Fernald, Ohio, $27,586,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $5,000,000.

(4) The total amount authorized to be appropriated by paragraph (3) is reduced by a total of $129,751,000 for anticipated savings and schedule slippages.

SEC. 3104. FUNDING LIMITATIONS

(a) FERNALD LITIGATION SETTLEMENT.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses, not more than $20,500,000 may be used to pay the second installment of the settlement entered into by the Department of Energy in the case of In re: Fernald Litigation No. C–1–85–149, United States District Court for the Southern District of Ohio.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses and plant and capital equipment, $175,000,000 shall be available for the defense inertial confinement fusion program.

(c) SPECIAL ISOTOPE SEPARATION.—No funds authorized to be appropriated to the Department of Energy for fiscal year 1991 shall be available for design or construction of a Special Isotope Separation facility.

42 USC 7273b.

(d) SECURITY INVESTIGATIONS.—(1) No funds appropriated to the Department of Energy may be obligated or expended for the conduct of an investigation by the Department of Energy or any other Federal department or agency for purposes of determining whether to grant a security clearance to an individual or a facility unless the Secretary of Energy determines both of the following:

(A) That a current, complete investigation file is not available from any other department or agency of the Federal government with respect to that individual or facility.

(B) That no other department or agency of the Federal government is conducting an investigation with respect to that individual or facility that could be used as the basis for determining whether to grant the security clearance.

(2) For purposes of paragraph (1)(A), a current investigation file is a file on an investigation that has been conducted within the past five years.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and on the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost whenever the current estimated cost of the construction project, which is authorized by section 3102 or 3103 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) NUCLEAR DIRECTED ENERGY WEAPONS CONCEPTS.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1991 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research and testing for nuclear directed energy weapons concepts, including plant and capital equipment related thereto; and

(2) shall be merged with funds appropriated to the Department of Energy.

(c) INERTIAL CONFINEMENT FUSION PROGRAMS.—The Secretary of Defense may transfer to the Secretary of Energy not more than $12,000,000 of the funds appropriated to the Department of Defense for the inertial confinement fusion program. Funds so transferred shall be merged with funds appropriated to the Department of Energy national security programs for research and development.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of

such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by sections 3102 and 3103, the Secretary of Energy may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS

SEC. 3131. REMANUFACTURE OF NUCLEAR STOCKPILE WEAPONS

(a) REPORT ON REMANUFACTURE OF NUCLEAR STOCKPILE WEAPONS.—The Secretary of Energy, in consultation with the Secretary of Defense, shall prepare a report on remanufacture of nuclear stockpile weapons that will require replacement at the end of their stockpile life. The report shall include the following information:

(1) A specification of the nuclear warheads and bombs now in the stockpile which will not be replaced at the end of their stockpile life.

(2) A case-by-case analysis of the technical requirements and estimated costs to prepare for the remanufacture of each certified nuclear weapon design scheduled for retention in the stockpile.

(3) A specification of certified weapons designs designated for retention in paragraph (2) that could be remanufactured and recertified for the stockpile without conducting a nuclear explosive test.

(4) Identification of those certified weapons designs included in paragraph (2) requiring changes to permit remanufacture which could be recertified with a single nuclear explosive proof test to demonstrate proper performance, and the minimum essential yield for each such test.

(5) Identification of those certified weapon designs planned for retention in paragraph (2) requiring modification for remanufacture to the degree that more than one test is indicated to

assure proper performance, and the minimum essential number and yield of tests required for each design so modified.

(6) A description of other options that may be employed in the event of reduced reliance on nuclear test explosions, ranging from increasingly extensive modifications of existing designs to the introduction of entirely new designs, and the costs in time, funds, numbers, and yields of tests, and the postulated national security benefits of each of these options clearly set forth in a manner which allows the relative costs and benefits of all the options presented to be directly compared.

Classified information.

(b) SUBMISSION OF REPORT.—The Secretary of Energy shall submit an unclassified report with a classified appendix not later than February 1, 1991.

42 USC 7257a.

SEC. 3132. LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS

(a) AUTHORITY.—Government-owned, contractor-operated laboratories that are funded out of funds available to the Department of Energy for national security programs are authorized to carry out laboratory-directed research and development.

(b) REGULATIONS.—The Secretary of Energy shall prescribe regulations for the conduct of laboratory-directed research and development at such laboratories.

(c) FUNDING.—Of the funds provided by the Department of Energy to such laboratories for national security activities, the Secretary shall provide a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory-directed research and development.

(d) DEFINITION.—For purposes of this section, the term "laboratory-directed research and development" means research and development work of a creative and innovative nature which, under the regulations prescribed pursuant to subsection (b), is selected by the director of a laboratory for the purpose of maintaining the vitality of the laboratory in defense-related scientific disciplines.

42 USC 7274 note.

SEC. 3133. NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE REPORT REQUIREMENT

(a) ENVIRONMENTAL REPORT.—Not later than 30 days after the end of each quarter of fiscal years 1991 and 1992, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a brief report on the Department of Energy's compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The report shall contain a brief description of each proposed action to be taken by the Department of Energy, the environmental impact of which is not clearly insignificant, and a description of the steps taken or proposed to be taken by the Department of Energy to assess the environmental impact of the proposed action. If the Secretary finds that the proposed action of the Department of Energy will have no significant impact, the Secretary shall include the rationale for that determination.

(b) SUBMISSION OF INITIAL REPORT.—The Secretary shall submit the first report not later than February 1, 1991, for the quarter ending December 31, 1990.

SEC. 3134. REPORT ON ENVIRONMENTAL RESTORATION EXPENDITURES

42 USC 7274c.

Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Energy shall submit to Congress a report on how the environmental restoration and waste management funds for defense activities of the Department of Energy were expended during the fiscal year preceding the fiscal year during which the budget is submitted. The report shall include details on expenditures by operations office, installation, budget category, and activity. The report also shall include any schedule changes or modifications to planned activities for the fiscal year in which the budget is submitted.

SEC. 3135. DEPARTMENT OF ENERGY MANAGEMENT PLAN FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES

42 USC 7274c note.

(a) PLAN.—The Secretary of Energy shall develop a comprehensive five-year plan for the management of environmental restoration and waste management activities at facilities under the jurisdiction of the Department of Energy.

(b) REPORT.—Not later than June 1, 1991, the Secretary of Energy shall submit to Congress a report on the management plan developed under subsection (a). The report shall include the following:

(1) A description of management capabilities necessary to carry out environmental programs covered by the management plan for the next five years.

(2) A description of current Department of Energy management capabilities and inadequacies.

(3) A description of the technical resources, including staff and management information systems, needed to carry out the management plan.

(4) A description of assistance from other Federal agencies and private contractors included in the management plan.

(5) A description of the cost verification and quality control elements included in the management plan.

SEC. 3136. EXTENSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES TO COMMUNITY DEVELOPMENT ORGANIZATIONS NEAR HANFORD RESERVATION

(a) EXTENSION.—Subsection (c) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074) is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

(b) CONFORMING AMENDMENT.—Subsection (a)(3) of such section is amended by striking out "fiscal years 1989 and 1990" and inserting in lieu thereof "fiscal years 1989, 1990, 1991, and 1992".

SEC. 3137. SAFETY MEASURES FOR WASTE TANKS AT HANFORD NUCLEAR RESERVATION

(a) IDENTIFICATION AND MONITORING OF TANKS.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall identify which single-shelled or double-shelled high-level nuclear waste tanks at the Hanford Nuclear Reservation, Richland, Washington, may have a serious potential for release of high-level waste due to uncontrolled increases in temperature or pressure. After completing such identification, the Secretary shall determine whether continuous monitoring is being carried out to detect a release or excessive temperature or pressure at each tank so identified. If such monitoring is not being carried out, as soon as practicable the Secretary shall install such monitoring, but only if a type of monitoring that does not itself increase the danger of a release can be installed.

(b) Action Plans.—Within 120 days after the date of the enactment of this Act, the Secretary of Energy shall develop action plans to respond to excessive temperature or pressure or a release from any tank identified under subsection (a).

(c) Prohibition.—Beginning 120 days after the date of the enactment of this Act, no additional high-level nuclear waste (except for small amounts removed and returned to a tank for analysis) may be added to a tank identified under subsection (a) unless the Secretary determines that no safer alternative than adding such waste to the tank currently exists or that the tank does not pose a serious potential for release of high-level nuclear waste.

(d) Report.—Within six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on actions taken to promote tank safety, including actions taken pursuant to this section, and the Secretary's timetable for resolving outstanding issues on how to handle the waste in such tanks.

SEC. 3138. PROGRAMS FOR PERSONS WHO MAY HAVE BEEN EXPOSED TO RADIATION RELEASED FROM HANFORD NUCLEAR RESERVATION

(a) Funding.—Of the funds authorized to be appropriated to the Department of Energy under this title, the Secretary of Energy shall make available $3,000,000 to the State of Washington, $1,000,000 to the State of Oregon, and $1,000,000 to the State of Idaho. Such funds shall be used to develop and implement programs for the benefit of persons who may have been exposed to radiation released from the Department of Energy Hanford Nuclear Reservation (Richland, Washington) between the years 1944 and 1972.

(b) Programs.—The programs to be developed by the States may include only the following activities:

(1) Preparing and distributing information on the health effects of radiation to health care professionals, and to persons who may have been exposed to radiation.

(2) Developing and implementing mechanisms for referring persons who may have been exposed to radiation to health care professionals with expertise in the health effects of radiation.

(3) Evaluating and, if feasible, implementing, registration and monitoring of persons who may have been exposed to radiation released from the Hanford Nuclear Reservation.

State listing.

(c) Plan and Reports.—(1) The States of Washington, Oregon, and Idaho shall jointly develop a single plan for implementing this section.

(2) Not later than six months after the date of the enactment of this Act, such States shall submit to the Secretary of Energy and the Congress a copy of the plan developed under paragraph (1).

(3) Not later than 18 months after the date of the enactment of this Act, such States shall submit to the Secretary of Energy and the Congress a single report on the implementation of the plan developed under paragraph (1).

(4) In developing and implementing the plan, such States shall consult with persons carrying out current radiation dose and epidemiological research programs (including the Hanford Thyroid

Disease Study of the Centers for Disease Control and the Hanford Environmental Dose Reconstruction Project of the Department of Energy), and may not cause substantial damage to such research programs.

SEC. 3139. PAYMENTS FOR INJURIES BELIEVED TO ARISE OUT OF ATOMIC WEAPONS TESTING PROGRAM

(a) Findings.—Section 2(a) of the Radiation Exposure Compensation Act (Public Law 101-426) is amended—

42 USC 2210 note.

(1) in paragraph (1), by striking "above-ground" and all that follows through "Arizona" and inserting "atmospheric nuclear tests exposed individuals";

(2) in paragraph (2), by striking "unwitting participants" and inserting "exposed to radiation"; and

(3) in paragraph (5), by striking "innocent" and all that follows through "involuntarily" and inserting "individuals who were exposed to radiation were".

(b) Trust Fund.—Section 3 of that Act is amended—

42 USC 2210 note.

(1) in the first sentence of subsection (d), by striking "not later than" and all that follows through "amount, or"; and

(2) in subsection (e), by striking "$100,000,000" and inserting "such sums as may be necessary to carry out its purposes".

(c) Claims Relating to Atmospheric Nuclear Testing.—(1) The section caption for section 4 of that Act is amended by striking "OPEN AIR" and inserting "ATMOSPHERIC".

42 USC 2210 note.

(2) Section 4(a) of that Act is amended to read as follows:

"(a) Claims.—

"(1) Claims Relating to Childhood Leukemia.—Any individual who was physically present in the affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958, or was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962, and who submits written medical documentation that he or she, after such period of physical presence and between 2 and 30 years after first exposure to the fallout, contracted leukemia (other than chronic lymphocytic leukemia), shall receive $50,000 if—

"(A) initial exposure occurred prior to age 21,

"(B) the claim for such payment is filed with the Attorney General by or on behalf of such individual, and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(2) Claims Relating to Specified Diseases.—Any individual who—

"(A) was physically present in the affected area for a period of at least 2 years during the period beginning on January 21, 1951, and ending on October 31, 1958,

"(B) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962, or

"(C) participated onsite in a test involving the atmospheric detonation of a nuclear device,

and who submits written medical documentation that he or she, after such period of physical presence or such participation (as the case may be), contracted a specified disease, shall receive $50,000 (in the case of an individual described in subparagraph

(A) or (B)) or $75,000 (in the case of an individual described in subparagraph (C)), if—

"(i) the claim for such payment is filed with the Attorney General by or on behalf of such individual, and

"(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(3) CONFORMITY WITH SECTION 6.—Payments under this section may be made only in accordance with section 6.

"(4) EXCLUSION.—No payment may be made under this section on any claim of the Government of the Marshall Islands, or of any citizen or national of the Marshall Islands, that is referred to in Article X, Section 1 of the Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of section 177 of the Compact of Free Association (as approved by the Compact of Free Association Act of 1985 (Public Law 99-239)).".

42 USC 2210 note.

(3) Section 4(b)(2) of that Act is amended by striking "primary cancer of: the" and inserting "primary cancer of the:".

42 USC 2210 note.

(d) CLAIMS RELATING TO URANIUM MINING.—Section 5 of that Act is amended—

(1) in subsection (a) in the matter following "$100,000 if—", by striking "(1)" and inserting "(i)" and by striking "(2)" and inserting "(ii)"; and

(2) in subsection (b)(3) by striking "an uranium" and inserting "a uranium".

42 USC 2210 note.

(e) DETERMINATION AND PAYMENT OF CLAIMS.—(1) Section 6(b)(2) of that Act is amended—

(A) in subparagraph (A)—

(i) by striking "a specified disease under section 4" and inserting "leukemia under section 4(a)(1), a specified disease under section 4(a)(2),"; and

(ii) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and";

(C) by inserting after subparagraph (B) the following:

"(C) in consultation with the Secretary of Defense and the Secretary of Energy, establish guidelines for determining what constitutes documentation that an individual participated onsite in a test involving the atmospheric detonation of a nuclear device under section 4(a)(2)(C)."; and

(D) in the matter following subparagraph (C) (as added by subparagraph (C) of this paragraph)—

(i) by striking "and" after "(A),"; and

(ii) by inserting before the period the following:", and with the Secretary of Defense and the Secretary of Energy with respect to making determinations pursuant to the guidelines issued under subparagraph (C).".

(2) Section 6(c)(2) of that Act is amended to read as follows:

"(2) OFFSET FOR CERTAIN PAYMENTS.—(A) A payment to an individual, or to a survivor of that individual, under this section on a claim under subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4 or a claim under section 5 shall be offset by the amount of any payment made pursuant to a final award or settlement on a claim (other than a claim for worker's compensation), against any person, that is based on injuries incurred by that individual on account of—

"(i) exposure to radiation, from atmospheric nuclear testing, in the affected area (as defined in section 4(b)(1)) at any time during the period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4, or

"(ii) exposure to radiation in a uranium mine at any time during the period described in section 5(a).

"(B) A payment to an individual, or to a survivor of that individual, under this section on a claim under section 4(a)(2)(C) shall be offset by the amount of—

"(i) any payment made pursuant to a final award or settlement on a claim, against any person, or

"(ii) any payment made by the Federal Government, that is based on injuries incurred by that individual on account of exposure to radiation as a result of onsite participation in a test involving the atmospheric detonation of a nuclear device. The amount of the offset under this subparagraph with respect to payments described in clauses (i) and (ii) shall be the actuarial present value of such payments.".

(3) Section 6(c)(4)(C)(i) of that Act is amended by striking "means" and inserting "is". 42 USC 2210 note.

(4) Section 6(e) of that Act is amended—

(A) by striking "open air" and inserting "atmospheric";

(B) by striking "any period described in section 4(a), or" and inserting "the period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4,"; and

(C) by inserting before the period at the end the following: ", or exposure to radiation as a result of onsite participation in a test involving the atmospheric detonation of a nuclear device".

(f) Choice of Remedies.—Section 7(b) of that Act is amended by inserting before the period at the end the following: ", and no individual may receive more than one payment under section 4 of this Act". 42 USC 2210 note.

(g) Report.—Section 12 of that Act is amended— 42 USC 2210 note.

(1) by inserting "Report.—" after "(a)"; and

(2) by inserting "Completion.—" after "(b)".

SEC. 3140. REPEAL.

The Radiation Exposure Compensation Act (Public Law 101-426) is amended by adding at the end the following:

"SEC. 13. REPEAL.

"Section 1631 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985 (42 U.S.C. 2212) is repealed.".

SEC. 3141. CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

Atomic Testing Liability Act. 42 USC 2212.

(a) Short Title.—This section may be cited as the "Atomic Testing Liability Act".

(b) Federal Remedies Applicable; Exclusiveness of Remedies.—

(1) Remedy.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, by the Act of March 9, 1920 (46 U.S.C. App. 741–752), or by the Act of March 3, 1925 (46 U.S.C. App. 781–790), as appropriate, for injury, loss of property, personal injury, or death shall apply to any civil action for injury, loss of property, personal injury, or death due to exposure to radiation based on acts or omissions by

a contractor in carrying out an atomic weapons testing program under a contract with the United States.

(2) EXCLUSIVITY.—The remedies referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of a contractor referred to in paragraph (1) shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any such civil action or proceeding; and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

(c) PROCEDURE.—A contractor against whom a civil action or proceeding described in subsection (b) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (b), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(d) ACTIONS COVERED.—The provisions of this section shall apply to any action, within the provisions of subsection (b), which is pending on the date of the enactment of this Act or commenced on or after such date. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding to which this section applies is pending on the date of the enactment of this Act and is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or two years from the date upon which the claim accrued, whichever is later, to file an administrative claim, and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28, United States Code.

(e) "CONTRACTOR" DEFINED.—For purposes of this section, the term "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). Such term also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or any of its predecessor agencies).

SEC. 3142. SENSE OF CONGRESS ON NEGOTIATING AGREEMENTS TO ACHIEVE A COMPREHENSIVE TEST BAN

The Congress, mindful of the commitment of the United States, the Soviet Union, and Great Britain in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek the discontinuance of all test explosions of nuclear weapons for all time and of the commitment which shall be legally binding on the parties upon ratification of the Treaty on the Limitation of Underground Nuclear Weapons Tests to "continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapons tests", states that it is the sense of Congress that the United States shares a special responsibility with the Soviet Union to continue the bilateral Nuclear Testing Talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban.

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

SEC. 3151. PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM FOR NUCLEAR WEAPONS AND DISPOSAL OF NUCLEAR STOCKPILES

(a) PRODUCTION BY THE SOVIET UNION.—Congress urges the President of the Soviet Union and the Supreme Soviet of the Soviet Union—

(1) to cease production by the Soviet Union of plutonium;

(2) to maintain the cessation in production by the Soviet Union of highly-enriched uranium for weapons that was announced on April 7, 1989.

(b) TECHNICAL ASPECTS OF FISSILE MATERIAL MONITORING AND NUCLEAR WARHEAD DISMANTLEMENT.—Should the President determine that future international agreements should provide for dismantlement of nuclear warheads and a ban on further production of fissile materials for weapons, then the Congress urges the President to seek to establish with the Soviet Union a joint technical working group to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the design and verification of these potential provisions.

President.

(c) REPORT ON VERIFICATION TECHNIQUES.—(1) The President shall prepare a comprehensive technical report on the verification matters described in paragraph (2).

(2) The report shall describe the on-site monitoring techniques, inspection arrangements, and national technical means that could be used by the United States to verify the actions of other nations with respect to the following:

(A) Dismantlement of nuclear warheads in the event that a future agreement between the United States and the Soviet Union should provide for such dismantlement to be carried out in a mutually verifiable manner.

(B) A mutual United States-Soviet ban, leading to a multilateral, global ban, on the production of additional quantities of plutonium and highly-enriched uranium for nuclear weapons.

(C) The end use or ultimate disposal of any plutonium and highly enriched uranium recovered from the dismantlement of nuclear warheads.

(3) In order to prepare the report required by paragraph (1), the President shall establish a Technical Advisory Committee on Ver-

ification of Fissile Material and Nuclear Warhead Control
composed of preeminent government and nongovernment ex
the fields of radiation detection, nondestructive examinati
clear safeguards, nuclear materials production, and nucle
head dismantlement. Such committee, which shall be esta
not later than December 31, 1990, shall advise the President
availability, use, and further development of techniques whic
be applied to the verification of the prospective actions desc
paragraph (2).

(4) The report required by paragraph (1) shall be submi
Congress not later than April 30, 1991. The report shall be
ted in unclassified form with such classified appendices as
necessary.

SEC. 3152. DEVELOPMENT AND DEMONSTRATION OF MEANS FO HEAD DISMANTLEMENT VERIFICATION

The Secretary of Energy may use funds available to the Se
for national security programs of the Department of Ene
fiscal year 1991 to carry out a program to develop and demons
means for verifiable dismantlement of nuclear warheads.

Department of Energy Science Education Enhancement Act.
42 USC 7381 note.
42 USC 7381.

PART E—DEPARTMENT OF ENERGY SCIENCE EDUCATION PROG

SEC. 3161. SHORT TITLE

This part may be cited as the "Department of Energy S
Education Enhancement Act".

SEC. 3162. FINDINGS AND PURPOSES

(a) FINDINGS.—The Congress finds the following:

(1) Scientific, technical, and engineering competence is
tial to the Nation's future well-being.

(2) The scientific, technical, and engineering capability
Federal laboratories is unmatched throughout the world.

(3) Superb research, development, testing, and eval
occur in Department of Energy research and development
ties.

(4) Department of Energy research and development fa
will play an increasing role in assuring that the United
remains competitive in world markets.

(5) Improvements in mathematics, science, and engin
education are needed desperately to provide the traine
educated citizenry essential to the future competitiveness
United States.

(6) The future health and vitality of the economy
United States is predicated on the availability of an ad
supply of scientists, mathematicians, and engineers to p
for growing needs and to replenish the workforce.

(7) United States college and university enrollment in sc
mathematics, and engineering programs is sharply declin
undergraduate, graduate, and post-graduate levels.

(8) The Federal Government is the largest United
employer of research scientists, mathematicians, and engi
and the Department of Energy has a growing need for scie
mathematicians, and engineers at a time when these
ments are declining.

(9) Women and minorities are grossly underrepresent
science and mathematics fields, and this group represents

than 80 percent of the projected increase in the national workforce through the year 2000.

(b) PURPOSES.—The purposes of this part are—

(1) to encourage the development and implementation of science, mathematics, and engineering education programs at the Department of Energy and at its research and development facilities as part of a national effort to improve science, mathematics, and engineering education; and

(2) to provide more efficient coordination among science, mathematics, and engineering education programs.

SEC. 3163. MISSION

Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended—

(1) in the second sentence, by striking out "Act—" and inserting in lieu thereof "Act:";

(2) in paragraph (17), by striking out "and" after the semicolon;

(3) in paragraphs (1) through (18)—

(A) by capitalizing the first letter of the first word of each such paragraph; and

(B) by striking out the semicolon at the end of each such paragraph and inserting in lieu thereof a period; and

(4) by adding at the end the following new paragraph:

"(19) To ensure that the Department can continue current support of mathematics, science, and engineering education programs by using the personnel, facilities, equipment, and resources of its laboratories and by working with State and local education agencies, institutions of higher education, and business and industry. The Department's involvement in mathematics, science, and engineering education should be consistent with its main mission and should be coordinated with all Federal efforts in mathematics, science, and engineering education, especially with the Department of Education and the National Science Foundation (which have the primary Federal responsibility for mathematics, science, and engineering education).".

SEC. 3164. SCIENCE EDUCATION PROGRAMS 42 USC 7381a.

(a) PROGRAMS.—The Secretary is authorized to establish programs to enhance the quality of mathematics, science, and engineering education. Any such programs shall be operated at or through the support of Department research and development facilities, shall use the scientific resources of the Department, and shall be consistent with the overall Federal plan for education and human resources in science and technology developed by the Federal Coordinating Council for Science, Engineering, and Technology.

(b) RELATIONSHIP TO OTHER DEPARTMENT ACTIVITIES.—The programs described in subsection (a) shall supplement and be coordinated with current activities of the Department, but shall not supplant them.

SEC. 3165. LABORATORY COOPERATIVE SCIENCE CENTERS AND OTHER AUTHORIZED EDUCATION ACTIVITIES 42 USC 7381b.

(a) ACTIVITIES.—The Secretary is authorized to:

(1) Support research appointments for college and university science and engineering students, and for faculty-student teams, at Department research and development facilities.

(2) Support research appointments for high school science teachers at Department research and development facilities.

(3) Support research apprenticeship appointments at Department research and development facilities for students underrepresented in science and technology careers.

(4) Support research experience programs at Department research and development facilities for nationally selected high school honor students.

(5) Operate mathematics and science education programs for elementary and secondary students at Department research and development facilities.

(6) Establish a museum-based science education program.

(7) Establish collaborative inner-city and rural partnership programs designed to meet the special mathematics and science education needs of students in inner-city and rural areas.

(8) Provide paid administrative leave for employees of the Department or Department research and development facilities who volunteer to interact with schools, colleges, universities, teachers, or students for the purpose of science, mathematics, and engineering education.

(9) Establish a talent pool of volunteer scientists, mathematicians, and engineers who have retired from the Department or Department research and development facilities to serve at schools and school districts for the purpose of (A) assisting teachers, with activities such as experiments, lectures, or the preparation of materials; (B) serving as counselors to students on science, mathematics, and engineering; and (C) otherwise assisting science, mathematics, and engineering classes. The Secretary, acting through Department research and development facilities, shall, wherever possible, identify and match schools and school districts with retired scientists, mathematicians, and engineers.

(J) Establish a Young Americans' Summer Science Camp Program to provide secondary school students with a hands-on science experience as well as exposure to working scientists and career counseling.

(K) Establish a program for mathematics and science teachers to provide teachers serving large numbers of disadvantaged students with new strategies for mathematics and science instruction.

(L) Support graduate students and, through university-based cooperative programs, undergraduate students for the purpose of encouraging more students to pursue scientific and technical careers, with a particular focus on the recruitment of women and minority students.

(M) Establish a prefreshman enrichment program in which middle-school students attend summer workshops on mathematics, science, and engineering conducted by universities on their campuses.

(b) USE OF FACILITIES.—Any of the activities authorized by subsection (a) may be conducted through Department research and development facilities. The Secretary may designate facilities conducting education activities as "Laboratory Cooperative Science Centers".

(c) FUNDING.—The Secretary is authorized to accept non-Federal funds to finance education activities described in subsection (a).

SEC. 3166. EDUCATION PARTNERSHIPS

42 USC 7381c.

(a) Education Partnerships.—The Secretary may authorize each Department research and development facility, to the extent practicable and consistent with the provisions of the laboratory's management and operating contract, to enter into education partnership agreements with educational institutions in the United States (including local educational agencies, colleges, and universities) for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education.

(b) Types of Assistance.—Under a partnership agreement entered into with an educational institution under subsection (a) and as authorized by the Secretary, a Department research and development facility may provide assistance to the educational institution by—

(1) loaning equipment to the institution;

(2) transferring to the institution equipment determined by the director of the Department research and development facility to be surplus;

(3) making personnel of Department research and development facilities available to teach science courses or to assist in the development of science courses and materials for the institution;

(4) involving faculty and students of the institution in research programs of Department research and development facilities;

(5) cooperating with the institution in developing a program under which students may be given academic credit for work on research projects of Department research and development facilities; and

(6) providing academic and career advice and assistance to students of the institution.

SEC. 3167. DEFINITIONS

42 USC 7381d.

In this part:

(1) The term "Secretary" means the Secretary of Energy.

(2) The term "Department" means the Department of Energy.

(3) The term "Department research and development facilities" means all Department of Energy single-purpose and multipurpose National Laboratories and research and development facilities and programs, and any other facility or program operated by a contractor funded from the Office of Energy Research of the Department of Energy.

(4) The term "local educational agency" has the meaning given that term by section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

SEC. 3168. AUTHORIZATION OF APPROPRIATIONS

42 USC 7381e.

There are authorized to be appropriated to the Secretary for carrying out university research support and other science, mathematics, and engineering education programs authorized by this part and administered by the Office of Energy Research of the Department of Energy, $40,000,000 for fiscal year 1991.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION

There are authorized to be appropriated for fiscal year 1991 $12,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. APPOINTMENT AND COMPENSATION OF SCIENTIFIC AND TECHNICAL PERSONNEL OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Section 313(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended—

(1) in paragraph (1), by inserting after "Board," the following: "including such scientific and technical personnel as the Board may determine necessary,";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" after "STAFF.—"; and

(4) by adding at the end the following new paragraph:

"(2) The authority and requirements provided in section 161 d. with respect to officers and employees of the Commission shall apply with respect to scientific and technical personnel hired under paragraph (1)(A).".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORITY TO BARTER MATERIAL IN THE NATIONAL DEFENSE STOCKPILE TO FINANCE THE UPGRADING, REFINING, OR PROCESSING OF STOCKPILE MATERIAL

(a) BARTER AUTHORIZED.—Subsection (c) of section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Notwithstanding section 3(c) or any other provision of law, whenever the President provides under subsection (a)(3) for the upgrading, refining, or processing of a material in the stockpile to convert that material into a form more suitable for storage, subsequent disposition, and immediate use in a national emergency, the President may barter a portion of the same material (or any other material in the stockpile that is authorized for disposal) to finance that upgrading, refining, or processing.".

(b) CONFORMING AMENDMENTS.—Section 6 of such Act is further amended—

(1) in subsection (a)(3)—

(A) by striking out "refining" and inserting in lieu thereof "upgrading, refining,";

(B) by inserting "(notwithstanding any intermediate stockpile quantity established for such material)" after "stockpile"; and

(C) by striking out "storage and subsequent disposition;" and inserting in lieu thereof "storage, subsequent disposition, and immediate use in a national emergency;";

(2) in subsection (c)(1)—

(A) by inserting "under subsection (a)(1)" after "the acquisition"; and

(B) by inserting "under subsection (a)(5) or (a)(6)" after "the disposal"; and

(3) in subsection (c)(2)—

(A) by striking out ", the disposition of which is authorized by law," and inserting in lieu thereof the following: "(the disposition of which is authorized by paragraph (3) to finance the upgrading, refining, or processing of a material in the stockpile, or is otherwise authorized by law)"; and

(B) by striking out "of refining" and inserting in lieu thereof "of upgrading, refining".

(c) EFFECT OF BARTERING.—Section 9 of such Act (50 U.S.C. 98h) is amended by adding at the end the following new subsection:

"(d) If, during a fiscal year, the National Defense Stockpile Manager barters materials in the stockpile for the purpose of acquiring, upgrading, refining, or processing other materials (or for services directly related to that purpose), the contract value of the materials so bartered shall—

"(1) be applied toward the total value of materials that are authorized to be disposed of from the stockpile during that fiscal year;

"(2) be treated as an acquisition for purposes of satisfying any requirement imposed on the National Defense Stockpile Manager to enter into obligations during that fiscal year under subsection (b)(2); and

"(3) not increase or decrease the balance in the fund.".

SEC. 3302. TRANSFER OF FUNDS

(a) TRANSFER.—The Secretary of Defense shall, subject to such limitations as may be provided in appropriations Acts, transfer $100,000,000 from the unobligated balance of the National Defense Stockpile Transaction Fund to the account established under section 2371(e) of title 10, United States Code.

(b) LIMITATION ON USE.—Funds transferred pursuant to subsection (a) may be used only for the purpose of—

(1) improving the quality and availability of materials stockpiled from time to time under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.); or

(2) developing new materials for the National Defense Stockpile.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS

There is hereby authorized to be appropriated $149,117,000 for fiscal year 1991 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

Panama Canal Commission Authorization Act for Fiscal Year 1991.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE

This title may be referred to as the "Panama Canal Commission Authorization Act for Fiscal Year 1991".

SEC. 3502. AUTHORIZATION OF EXPENDITURES

(a) In General.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.), for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1991, except that not more than $52,000 for such fiscal year may be made available for official reception and representation expenses, of which—

(1) not more than $12,000 may be made available for such expenses of the supervisory board of the Commission;

(2) not more than $6,000 may be made available for such expenses of the Secretary of the Commission; and

(3) not more than $34,000 may be made available for such expenses of the Administrator of the Commission.

(b) Purchase of Passenger Motor Vehicles.—Funds available to the Panama Canal Commission for fiscal year 1991 shall be available for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

SEC. 3503. GENERAL PROVISIONS

(a) Pay Increases.—Funds for the Panama Canal Commission may be obligated for fiscal year 1991, notwithstanding section 1341 of title 31, United States Code, to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) Expenses in Accordance With Law.—Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. COMPENSATION FOR BOARD MEMBERS

Section 1102(b) of the Panama Canal Act of 1979 (22 U.S.C. 3612(b)) is amended by striking "grade GS–18 of the General Schedule under section 5332" in the last sentence and inserting "level V of the Executive Schedule under section 5316".

SEC. 3505. COMPENSATION FOR DEPUTY ADMINISTRATOR AND CHIEF ENGINEER

Section 1104(b) of the Panama Canal Act of 1979 (22 U.S.C. 3614(b)) is amended by inserting before the period ", and, if eligible, shall each be paid the overseas recruitment or retention differential provided for in section 1217 of this Act".

SEC. 3506. RETIREMENT

(a) Eligibility.—Section 8336(i) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) An employee of the Panama Canal Commission employed by that body after September 30, 1979, who is separated from the

Panama Canal Commission before January 1, 2000, and who at the time of separation has a minimum of 11 years of continuous employment with the Commission (disregarding any break in service of 3 days or less) is entitled to an annuity if the employee is separated—

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service, if the separation is a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service.".

(b) COMPUTATION.—Section 8339(d) of title 5, United States Code, is amended by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following:

"(3) The annuity of an employee retiring under this subchapter who is employed by the Panama Canal Commission at any time during the period beginning October 1, 1990, and ending December 31, 1999, is computed, with respect to any period of service with the Panama Canal Commission, by adding—

"(A) 2½ percent of the employee's average pay multiplied by so much of that service as does not exceed 20 years; plus

"(B) 2 percent of the employee's average pay multiplied by so much of that service as exceeds 20 years.".

(c) UNFUNDED LIABILITY.—Section 8348(i)(1) of title 5, United States Code, is amended by striking "1979." and inserting "1979, and the amendments made by section 3506 of the Panama Canal Commission Authorization Act for Fiscal Year 1991.".

SEC. 3507. AMENDMENTS TO PANAMA CANAL COMPENSATION FUND ACT OF 1988

Section 5 of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c) is amended—

(1) by striking "Upon the termination of the Panama Canal Commission:";

(2) in subsection (a)—

(A) by striking "The Secretary of Labor" and inserting "Upon the termination of the Panama Canal Commission, the Secretary of Labor"; and

(B) by striking the last sentence;

(3) in subsection (b)—

(A) by inserting "under subsection (a)" after "Secretary of Labor"; and

(B) by striking "Employees Compensation"; and

(4) by adding at the end the following new subsection:

"(c) CONTINUITY OF THE FUND.—(1) Amounts in the Fund (including amounts transferred as a result of the final determination made under subsection (a)) shall be maintained by the Secretary of the Treasury, shall be made available for transfer to the Employees' Compensation Fund in such amounts as are requested by the Secretary of Labor pursuant to section 4, and may be discontinued only in accordance with paragraph (2).

"(2) At such time as the Secretary of Labor certifies that no further liability exists for workers compensation benefits or other payments described in section 3(a), the Secretary of the Treasury may discontinue the Fund in the manner provided by law.".

Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990.
10 USC 2391 note.

DIVISION D—ECONOMIC ADJUSTMENT, DIVERSIFICATION, CONVERSION, AND STABILIZATION

SEC. 4001. SHORT TITLE

This division may be cited as the "Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990".

SEC. 4002. FINDINGS AND POLICY

(a) FINDINGS.—Congress makes the following findings:

(1) There are likely to be significant reductions in the programs, projects, and activities of the Department of Defense during the first several fiscal years following fiscal year 1990.

(2) Such reductions will adversely affect the economies of many communities in the United States and small businesses and civilian workers throughout the United States.

(b) POLICY.—In view of the findings expressed in subsection (a), it is the policy of the United States that—

(1) assistance be provided under existing planning assistance programs and economic adjustment assistance programs of the Federal Government to substantially and seriously affected communities, businesses, and workers to the extent necessary to facilitate an orderly transition for such communities, small businesses, and workers from economic reliance on Department of Defense spending to economic reliance on other sources of business, employment, and revenue; and

(2) funding for such programs be increased by amounts necessary to meet the needs of such communities, small businesses, and workers without reducing the funding that would otherwise be available under those programs by reason of causes unrelated to the reductions referred to in subsection (a)(1).

SEC. 4003. DEFINITIONS

For purposes of this division:

(1) The term "major defense contract or subcontract" means—

(A) any defense contract in an amount not less than $5,000,000 (without regard to the date on which the contract was awarded); and

(B) any subcontract which—

(i) is entered into in connection with a contract (without regard to the effective date of the subcontract); and

(ii) involves not less than $500,000.

(2) The term "Economic Adjustment Committee" or "Committee" means the Economic Adjustment Committee established in Executive Order 12049 (10 U.S.C. 111 note).

(3) The term "defense facility" means any private or government facility producing goods or services pursuant to a defense contract.

(4) The term "military installation" means a base, camp, post, station, yard, center, or homeport facility for any ship in the United States, or any other facility under the jurisdiction of a military department located in the United States.

(5) The term "substantially and seriously affected" means—

(A) when such term is used in conjunction with the term "community", a community—

(i) which has within its administrative and political jurisdiction one or more military installations or defense facilities or which is economically affected by proximity to a military installation or defense facility;

(ii) in which the actual or threatened curtailment, completion, elimination, or realignment of a defense contract results in a workforce reduction of—

(I) 2,500 or more employee positions, in the case of a Metropolitan Statistical Area or similar area (as defined by the Director of the Office of Management and Budget)

(II) 1,000 or more employee positions, in the case of a labor market area outside of a Metropolitan Statistical Area; or

(III) one percent of the total number of civilian jobs in that area; and

(iii) which establishes, by evidence, that any workforce reduction referred to in clause (ii) occurred as a direct result of changes in Department of Defense requirements or programs;

(B) when such term is used in conjunction with the term "businesses" any business which—

(i) holds a major defense contract or subcontract (or held such contract or subcontract before a reduction in the defense budget);

(ii) experiences a reduction, or the threat of a reduction, of—

(I) 25 percent or more in sales or production; or

(II) 80 percent or more of the workforce of such business in any division of such business or at any plant or other facility of such business; and

(iii) establishes, by evidence, that the reductions referred to in clause (ii) occurred as a direct result of a reduction in the defense budget; and

(C) when such term is used in conjunction with the term "group of workers", any group of 100 or more workers at a defense facility who are (or who are threatened to be), eligible to participate in the defense conversion adjustment program under section 325 of the Job Training Partnership Act (as added by section 4202 of this division).

SEC. 4004. CONTINUATION OF ECONOMIC ADJUSTMENT COMMITTEE

(a) TERMINATION OR ALTERATION PROHIBITED.—The Economic Adjustment Committee established in Executive Order 12049 (10 U.S.C. 111 note) may not be terminated and the duties of the Committee may not be significantly altered unless specifically authorized by a law.

(b) CHAIRMAN.—The chairmanship of the Economic Adjustment Committee shall rotate between the Secretary of Defense, the Secretary of Commerce, and the Secretary of Labor on a yearly basis.

(c) DUTIES OF COMMITTEE.—The Economic Adjustment Committee shall—

(1) coordinate and facilitate cooperative efforts among Federal agencies represented on the Committee to implement defense economic adjustment programs;

Inter-governmental relations.

(2) serve as an information clearinghouse for and between Federal, State, and local entities regarding their defense economic adjustment efforts; and

Reports.

(3) submit to the President and Congress, not later than December 1, 1991, and each December 1 thereafter, a report that—

(A) describes Federal economic adjustment programs available to communities, businesses, and groups of workers;

(B) describes the implementation of defense economic adjustment assistance during the preceding fiscal year; and

(C) specifies the number of communities, businesses, and workers affected by defense budget reductions during the preceding fiscal year and such number assisted by Federal economic adjustment programs during that fiscal year.

10 USC 2391 note.

TITLE XLI—ECONOMIC ADJUSTMENT PLANNING

SEC. 4101. NOTIFICATION

(a) In General.—The Chairman of Economic Adjustment Committee shall establish procedures to ensure that the head of the appropriate Federal agencies promptly notify the appropriate official or other person or party described in subsection (b) with respect to any community, business, or group of workers that may be substantially and seriously affected as a result of—

(1) the annual budget of the President submitted to Congress pursuant to section 1105 of title 31, United States Code, and any longer-term guidance document of the Secretary of Defense;

(2) the public announcement of the realignment or closure of a military installation or defense facility; or

(3) the cancellation or curtailment of a major defense contract.

(b) Persons To Receive Notice.—The officials, persons, and other parties referred to in subsection (a) are—

(1) the chief elected executive official of an affected State;

(2) the mayor of an affected city;

(3) the executive or other appropriate representative of any other affected political subdivision of a State; and

(4) the head of a national or international labor organization, the headquarters of which is located in the United States, which represents a substantially and seriously affected group of workers.

(c) Benefit Information Required to Accompany Notice.—Each notice under subsection (a) shall contain information describing Federal economic adjustment programs available to communities, businesses, and groups of workers.

(d) Notification of Communities Affected by Defense Realignment Before Date of Enactment.—The information provided under subsection (a) shall include information regarding actions referred to in such subsection which were—

(1) proposed in the budget of the President which was submitted to Congress during the period beginning on January 1, 1990, and ending on the date of the enactment of this Act; or

(2) otherwise announced during such period.

SEC. 4102. ECONOMIC ADJUSTMENT PLANNING ASSISTANCE THROUGH THE DEPARTMENT OF DEFENSE

(a) IN GENERAL.—Any substantially and seriously affected community shall be eligible for economic adjustment planning assistance through the Office of Economic Adjustment in the Department of Defense under subsection (b) of section 2391 of title 10, United States Code, subject to subsection (e) of such section. Such assistance shall be provided in accordance with the standards, procedures, and priorities established by the Committee under this division.

(b) CONFORMING AMENDMENT TO TITLE 10.—Section 2391(b) of title 10, United States Code, is amended—

(1) by striking out paragraphs (3), (4), and (6);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of a publicly-announced planned reduction in Department of Defense spending, the cancellation or termination of a Department of Defense contract, or the failure to proceed with a previously approved major defense acquisition program, assistance may be made under paragraph (1) only if the reduction cancellation, termination, or failure will have a direct and significant adverse impact on a community and will result in the loss of—

"(A) 2,500 or more employee positions, in the case of a Metropolitan Statistical Area or similar area (as defined by the Director of the Office of Management and Budget);

"(B) 1,000 or more employee positions, in the case of a labor market area outside of a Metropolitan Statistical Area; or

"(C) one percent of the total number of civilian jobs in that area.".

SEC. 4103. COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION

(a) IN GENERAL.—A community that has been determined by the Economic Development Administration of the Department of Commerce or the Office of Economic Adjustment of the Department of Defense, in accordance with the standards and procedures established by the Economic Adjustment Committee, to be a substantially and seriously affected community shall be eligible for economic adjustment assistance authorized under title IX of the Public Works and Economic Development Act of 1965, subject to the availability of appropriations for such purpose and subject to meeting the eligibility requirements of such title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense for fiscal year 1991 $50,000,000 for purposes of carrying out subsection (a). Any amount appropriated pursuant to this subsection shall remain available until expended.

TITLE XLII—ADJUSTMENT ASSISTANCE FOR EMPLOYEES

10 USC 2391 note.

SEC. 4201. SECRETARY OF DEFENSE NOTICE REQUIREMENT

(a) INFORMATION TO BE PROVIDED.—The Secretary of Defense shall—

(1) provide timely information to the Secretary of Labor on—

(A) any proposed closure of, or substantial reduction in, military installations; and

(B) any proposed cancellation of, or reduction in, any contract for products or services for the Department of Defense,

if the proposed closure, cancellation, or reduction will have a substantial impact on employment;

(2) when feasible, identify the location at which employment which will be affected by such closure, cancellation, or reduction; and

(3) provide to the Secretary of Labor information with respect to such proposed closure, cancellation, or reduction.

(b) NOTIFICATION TO GOVERNOR OF STATE CONCERNED.—If the Secretary of Labor receives information under subsection (a), the Secretary shall notify the Governor of each State in which such proposed closure, cancellation, or reduction will occur pursuant to guidelines established by the Economic Adjustment Committee to avoid duplicative notification.

SEC. 4202. DEFENSE CONVERSION ADJUSTMENT PROGRAM

Part B of title III of the Job Training Partnership Act (29 U.S.C. 1662-1662c) is amended by adding at the end the following new section:

"DEFENSE CONVERSION ADJUSTMENT PROGRAM

Grant programs.
29 USC 1662d.

"SEC. 325. (a) IN GENERAL.—From the amount appropriated pursuant to section 4203 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990, the Secretary may make grants to States, substate grantees, employers, employer associations, and representatives of employees to provide training, adjustment assistance, and employment services to eligible employees adversely affected by reductions in expenditures by the United States for defense or by closures of United States military facilities. For purposes of this section, an eligible employee is an eligible dislocated worker as defined in section 301(a) who has been terminated or laid off, or has received a notice of termination or lay off, as a consequence of reductions in expenditures by the United States for defense or by closures of United States military facilities as determined in accordance with regulations of the Secretary.

"(b) APPLICATION.—In reviewing applications for grants under subsection (a), the Secretary shall give priority to applications from areas which have the greatest number of eligible employees.

"(c) USE OF FUNDS.—Grants under subsection (a) may be used for any purpose for which funds may be used under section 314 or this part.

"(d) DEMONSTRATION PROJECTS.—In carrying out the grant program established under subsection (a), the Secretary may make grants to entities referred to in that subsection for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—

"(1) projects to facilitate the placement of eligible employees in occupations experiencing skill shortages that will make use of the skills acquired by the eligible employees during their employment;

"(2) projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and

"(3) projects to assist communities in addressing and reducing the impact of such economic dislocation.".

SEC. 4203. AUTHORIZATION OF APPROPRIATIONS

(a) Authorization.—There are authorized to be appropriated to the Secretary of Defense $150,000,000 for fiscal year 1991 to carry out section 4201 and the amendment made by section 4202. Amounts appropriated pursuant to this subsection shall remain available until expended.

(b) Administrative Expenses.—Of amounts appropriated pursuant to this section, not more than five percent may be retained by the Secretary of Labor for the administration of the activities authorized by the amendment made by section 4202.

TITLE XLIII—EXPANSION OF BUSINESS CAPITAL ASSISTANCE PROGRAMS

10 USC 2391 note.

SEC. 4301. EXPANSION OF SMALL BUSINESS LOAN PROGRAM

President.

Not later than 180 days after the date of the enactment of this Act, the President, acting with the assistance of the Committee and after consulting experts in government and the private sector, shall transmit to the Congress recommendations regarding ways that assistance provided pursuant to the business loan program under section 7(a) of the Small Business Act of 1958 may be used to respond to the consequences of defense budget reductions.

SEC. 4302. ECONOMIC PLANNING ASSISTANCE FOR EXCEPTIONAL PROJECTS

(a) Assistance Authorized.—The Economic Development Administration, in the case of assistance under title IX of the Public Works and Economic Development Act of 1965, and the Office of Economic Adjustment, in the case of planning assistance under section 2391(b) of title 10, United States Code, may award planning assistance under those programs to any substantially and seriously affected community, on behalf of a business, group of businesses, or group of workers, if such planning funds are determined by the agency concerned to be necessary and appropriate as a catalyst for projects which the agency determines, on a case-by-case basis, have exceptional promise for achieving the objectives of this division.

(b) Conditions on Assistance.—Awards under this section shall be subject to the availability of appropriations for such purpose and shall be made in accordance with any other applicable provisions of law.

SEC. 4303. EXPANSION OF EXPORT FINANCING FOR GOODS AND SERVICES PRODUCED BY FIRMS AND EMPLOYEES FORMERLY ENGAGED IN DEFENSE PRODUCTION

(a) Export-Import Bank.—

(1) Sense of congress on plan for expansion.—It is the sense of Congress that the United States businesses undergoing transition from defense production to nondefense production will need assistance in seizing export markets overseas. Therefore, in order to provide financial support for such businesses, as well as meeting other normal demands on its resources, the

annual direct lending authority of the Export-Import Bank of the United States should be increased by at least 150 percent from the fiscal year 1990 level over the five-year period beginning October 1, 1990.

President.

(2) REPORT OF FEASIBILITY.—Before September 30, 1990, the President, acting with the assistance of the Committee and after consulting the Board of Directors of the Export-Import Bank of the United States and other experts in government and the private sector, shall transmit to the Congress a report assessing the feasibility and desirability of a program for increasing the amount of direct loan authority in the manner described in paragraph (1) and the factors considered in making such assessment.

(3) TRANSITION TO NONDEFENSE PRODUCTION REQUIRED TO BE CONSIDERED.—In determining whether to provide financial support for an export transaction, the Export-Import Bank of the United States shall take into account, to the extent feasible and in accordance with applicable standards and procedures established by the bank in consultation with the Committee, the fact that the product or service is produced or provided by any business or group of workers which—

(A) was substantially and seriously affected by defense budget reductions; and

(B) is in transition from defense to nondefense production.

(b) SBA USE OF AUTHORITY FOR EXPORT FINANCING ASSISTANCE.—In determining whether to provide financial or other assistance under the Small Business Act, title VIII of the Omnibus Trade and Competitiveness Act of 1988, or any program referred to in section 4301 to any small business involved in, or attempting to become involved in, the export of any product or service, the Administrator of the Small Business Administration shall take into account the fact that such product or service is produced or provided by any business or group of workers which—

(1) has been substantially and seriously affected by defense budget reductions; and

(2) is in transition from defense to nondefense production.

(c) COORDINATION AND INTEGRATION OF ACTIVITIES AND ASSISTANCE WITH OTHER AGENCIES.—In providing additional financial assistance pursuant to any increase in loan authority under this division—

(1) Federal agencies concerned with international trade shall participate in the process of coordination conducted by the Committee pursuant to section 4003(b); and

(2) such Federal agencies shall attempt, to the maximum extent practicable, to coordinate and integrate the activities and assistance of the agencies in support of exports, including financial assistance in the form of direct loans, loan guarantees, and insurance, general trade promotion, marketing assistance, and marketing and commercial information, in a manner consistent with the purposes of this division (and the amendments made by this division to other provisions of law).

(d) REPORTING.—The annual reports made by the Export-Import Bank of the United States and the Administrator of the Small Business Administration and the annual economic stabilization and adjustment report under section 4003 of this division shall include a description of the extent to which the bank and the Administrator are—

(1) providing financing described in subsections (a)(2) and (b), respectively, to businesses or groups of workers which were substantially and seriously affected by defense budget reductions; and

(2) coordinating and integrating export support and financing activities with other Federal agencies.

SEC. 4304. BENEFIT INFORMATION FOR BUSINESSES

(a) Information Required To Be Provided.—The Secretary of Commerce and the Administrator of the Small Business Administration shall provide any business affected by defense budget reductions with a complete description of available programs which provide any business, whether on an industrywide or an individual basis, with any planning assistance, financial, technical, or managerial assistance, worker retraining assistance, or other assistance authorized under this division.

(b) Effective Notification System.—The Secretary of Commerce and the Administrator of the Small Business Administration shall take such action as may be appropriate to ensure, to the maximum extent practicable, that each business affected by defense budget reductions receives the information required to be provided under subsection (a) on a timely basis.

Approved November 5, 1990.

LEGISLATIVE HISTORY—H.R. 4739 (S. 2884):

HOUSE REPORTS: No. 101-665 (Comm. on Armed Services) and No. 101-923 (Comm. of Conference).
SENATE REPORTS: No. 101-384 accompanying S. 2884 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 136 (1990):
    Aug. 1-4, S. 2884 considered and passed Senate.
    Sept. 11, 12, 18, 19, H.R. 4739 considered and passed House.
    Sept. 25, considered and passed Senate, amended, in lieu of S. 2884.
    Oct. 24, House agreed to conference report.
    Oct. 26, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
    Nov. 5, Presidential statement.

○